

*Income*  
*1500*  
THE  
LAWS  
OF THE  
STATE OF INDIANA,

PASSED AT THE FOURTH SESSION OF THE

GENERAL ASSEMBLY,

HELD AT CORYDON ON THE FIRST MONDAY IN DECEMBER  
IN THE YEAR ONE THOUSAND EIGHT  
HUNDRED AND NINETEEN.

*1144*  
*4*

*J. P. Clarke*  
(BY AUTHORITY.)

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JEFFERSONVILLE:

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1820



L A W S  
OF THE  
STATE OF INDIANA.

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CHAPTER I.

*AN ACT to amend an act, entitled "An act regulating the jurisdiction and duties of Justices of the peace," approved, January 28, 1818.*

SECTION 1. **B**E it enacted by the General Assembly of the State of

Indiana, That if any person or persons shall conceive himself, herself or themselves aggrieved by any judgment of a justice of the peace, it shall be lawful for any such person or persons to appeal to the Circuit Court, at any time within thirty days after the rendition of such judgment, on paying all legal costs which shall have accrued previous to such appeal, and entering into and filing a bond payable to the appellee, with at least one sufficient surety, in a sum sufficiently large in the opinion of the justice, to cover the full amount of the debt, interest and costs which may accrue in the Circuit Court; conditioned that the appellant shall pay the full amount of the debt, interest and costs which may

Persons aggrieved by justices judgment may appeal

*Amos Clark*



Duty of justice if execution has issued

Entry of the appeal

Proceedings thereon

accrue in the Circuit Court, if judgment be there given against him; which bond shall be filed with the justice; and it shall be the duty of the justice of the peace, if execution have issued to recall the same, and thereupon the justice who gave such judgment, shall send a transcript thereof to the clerk of the Circuit Court of the county wherein such appeal is taken, together with the original note or notes, bill, account or other documents filed therein by either of the parties in the cause; together also, with the appeal bond filed by the appellant in the cause, on or before the first day of the term of the Circuit Court next to be holden after such appeal, and all further proceedings before such justice shall be stayed from the time of entering such appeal; and the person or persons so appealing, shall cause an entry of the appeal to be made with the clerk of the Circuit Court within sixty days from the rendition of the judgment; and after such entry shall be made, such appeal shall stand upon the docket as all other suits, and the court shall hear and determine the same in a summary way, unless either party shall require a jury, when the same shall be tried in the same manner as all other cases, except that no pleadings shall be required; and the court may in their discretion require the plaintiff to state truly the nature of his demand, and the defendant of his defence; the costs which shall appear to have been taxed by the justice by reference to the transcript of the record

and proceedings sent up, shall be included in the costs above: *Provided*, That if the appellant shall fail or neglect to cause an entry of the appeal to be made with the clerk of the Circuit Court, within the time provided for in this section, the clerk of the Circuit Court (on application of the appellee, his agent or attorney) shall certify accordingly, and such certificate being lodged with the justice of the peace who gave such judgment, shall be sufficient authority for him to issue execution on such judgment, in the same manner as if no appeal had been taken: *Provided also*, If the person or persons in whose favor judgment shall have been rendered, shall appeal, and shall not recover more than was recovered before the justice, in such case the appellant shall pay all costs accruing on such appeal.

SEC. 2. In all cases before a justice of the peace where either party makes affidavit that he has a material witness or witnesses out of the state or county, where the cause is pending, it shall be the duty of the justice of the peace to continue the cause as in other cases, and if required by the party to issue a dedimus to any justice of the peace residing in the county and state where the witness resides, commanding him at such time and place as mentioned in the notice to cause such witness or witnesses to come before him and carefully to examine him, her or them, touching the premises, allowing each party to ask questions; and the deposition or depositions so taken, to seal up and transmit

Neglect to enter the appeal

Appellant to pay costs in certain case

When justice shall continue a cause and award dedimus



Fee on issuing Dedimus

No dedimus necessary within the state

Repeal

to the justice who issued the dedimus, taxing on the deposition or depositions the fee for taking the same. *Provided*, The justice issuing the dedimus as above provided, shall be allowed twenty-five cents for the same, and provided also, that no dedimus shall be necessary when the witness or witnesses reside within the state.

SEC. 3. *Be it further enacted*, That the seventeenth section of the act entitled "An act regulating the jurisdiction and duties of justices of the peace," approved January 28, 1818, be and the same is hereby repealed.

This act to take effect from and after its publication.

APPROVED, January 3, 1820.

## CHAPTER II.

*AN ACT to amend an act, entitled "An act to regulate marriages and for other purposes."*

Preamble

WHEREAS it appears to this General Assembly that a number of marriages in this state have been solemnized by persons not legally authorized so to do, from the misconstruction of the act to which this is an amendment, from which great difficulties may hereafter arise, for remedy whereof:

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana*, That all marriages heretofore solemnized by licensed preachers of the Gospel and Judges of the Circuit Court, be and the same are hereby declared lawful; and that the issue or issues thereof be, and the same are hereby legitimated as fully and completely as though the said marriages were in the first instance legal.

Certain marriages declared lawful and their issues legitimate

SEC. 2. That hereafter it shall and may be lawful for any regularly licensed preacher of the Gospel, so long as they continue members and preachers of the Gospel of their respective churches, or any Judge of any of the courts of this state, within their respective jurisdictions, to solemnize the rites of matrimony.

Licensed preachers and judges authorized to marry

SEC. 3. That so much of the third section of the act to which this is an amendment, as requires the production of a license from the clerk of the Circuit Court of the county, in which the parties usually reside, so far as respects the society of friends, commonly called quakers, be and the same is hereby repealed.

A portion of a section of a former law repealed

SEC. 4. The fifty-ninth section of an act, to reduce into one, all acts and parts of acts relative to crimes and punishments, approved January 19, 1818, be and the same is hereby repealed.

Repeal

This act to take effect and be in force from and after its publication.

APPROVED, January 3, 1820.



CHAPTER III.

*AN ACT for the relief of the securities of John Upham, deceased, and for other purposes.*

Preamble

WHEREAS it has been represented to this General Assembly, that John Upham, late of Warrick county, deceased, was appointed collector of the state and county taxes for said county, for the year 1819, having entered into bond with security, conditioned as the law directs in such cases as collector aforesaid.—And whereas the said John Upham, departed this life before he had completed the collection of the state and county taxes for the county of Warrick aforesaid, for remedy whereof :

County commissioners to appoint collector

His duty

Securities granted further time

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the Board of County Commissioners of said county of Warrick, as soon as may be, after being notified for that purpose by the securities of the said John Upham, deceased, to meet and appoint a collector for said county, whose duty it shall be to complete the collection of the taxes for the said county of Warrick aforesaid, and that the said securities have a further time to pay over the same to the state and county treasurers until the first day of February, next ensuing.

APPROVED, December 23, 1819.

CHAPTER IV.

*AN ACT for the relief of the Administratrix, and Administrators of Nathaniel Scribner, deceased.*

APPROVED, January 1, 1820.

Preamble

WHEREAS it is represented to this General Assembly that great inconvenience and loss will be sustained by the estate of Nathaniel Scribner, late of the town of New Albany, in the county of Floyd, deceased, in consequence of said administrators not being permitted by the laws of this state now in force, to convey the real estate of the said decedent to the creditor or creditors of said decedent, in satisfaction of his or their just claim, and it being ascertained, that the conveyance of certain lots lying in the town of New Albany, to Wendelin Wustenfield, in satisfaction of a large debt due the said Wustenfield from the estate of said decedent, will be much for the benefit of the said estate. Therefore :

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana*, That it shall and may be lawful for James Scribner and Joel Scribner, administrators, and Elizabeth Scribner, administratrix, of the estate of the said Nathaniel Scribner, deceased, and they are hereby authorized and empowered to convey by

Administrators of N. Scribner authorized to sell and convey certain real estate



deed to the said Wendelin Wustenfield, all the right, title, and interest of which the said Nathaniel died siezed in, and to the following lots of land in the said town of New Albany, and tracts of land in the county of Floyd, aforesaid, to wit: lots of land designated on the plot of the town of New Albany, as lots numbers, twenty-five, thirty-three, and thirty-five, on lower market street, lots numbers twenty-six, thirty, thirty-three, and thirty-seven, on upper elm street, numbers twenty-nine, and thirty-one, on lower spring street, numbers three and six on lower third street, numbers five, ten, and twenty, on lower fourth street, numbers five, seventeen, twenty-three, and thirty-one, on upper second, numbers five, and twenty-eight, on upper third street, number thirteen, on lower second street, numbers two, six, and twenty-five, on upper fourth street, and number twenty-six on upper fifth street, also two out lots, lettered A and B, on the map of the town, between lower market and lower spring streets, saving and reserving to Elizabeth Scribner, widow of said Nathaniel, her right of dower, and to all and every creditor or creditors of the said estate, their respective rights, as fully and completely as if this act had not been passed.

This act shall take effect and be in force from and after its passage.

Widow's  
dower and  
creditor's  
rights reserved.

## CHAPTER V.

*AN ACT authorising a special session of the county commissioners of the county of Knox.*

APPROVED, December 11, 1819.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana,* That the County commissioners of the county of Knox, be and they are hereby authorized and required to meet at the courthouse of said county on Saturday, the eighteenth day of December, instant, or on any other day they may select, for the purpose of appointing an inspector of flour, beef, and pork, for the said county, who shall continue in office until the third Monday of February, next.

This act to be in force, and take effect from and after the passage thereof.

## CHAPTER VI.

*AN ACT to establish a permanent seat of Justice for Owen county.*

APPROVED, December 29, 1819.

WHEREAS much difficulty has arisen in the county of Owen, relative to the establishment of the seat of justice of said county, as it appears from the petition of the inhabitants thereof,

Preamble



addressed to, and now before the Legislature of this State, and it being expedient to adopt some measure to afford them relief, and restore tranquility, therefore:

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That* John J. Neely, of Gibson county, James Ward, of Jefferson, county, John Tipton, of Harrison county, John K. Graham, of Floyd county, and Patrick Callan, of Lawrence county, are hereby appointed commissioners, agreeably to the act entitled "An act for the fixing the seats of justice, in all new counties hereafter to be laid off." The commissioners above named shall convene at the house of Elijah Chambers, in the said county of Owen, on the first Monday of February, next, and shall immediately proceed to discharge the duties assigned them by law. It is hereby made the duty of the Sheriff of Owen county, to notify the said commissioners by a written notification of their appointment, on or before the first Monday in February next; and the said sheriff of Owen county, shall receive for said service, such compensation as the county commissioners of said county of Owen, shall deem just and reasonable; who are hereby authorized to allow the same, out of any monies in the county treasury, in the same manner other claims are paid.

SEC. 2. *Be it further enacted, That the third section, of the act entitled, "An act for the formation of a new county,*

Commissioners appointed

When and where to convene

Sheriff to notify them

out of the counties of Sullivan and Daviess, approved, December 21, 1818, be, <sup>Repeal</sup> and the same is hereby repealed; but the grants, requisitions, and directions <sup>Reservation</sup> contained in the other sections of the said act, which do not come within the purview of this act, be, and the same shall remain in full force and effect.

This act to take effect, and be in force from and after its passage.

## CHAPTER VII.

*AN ACT to amend an act entitled "an act to incorporate the Jeffersonville Ohio Canal company.*

APPROVED, December 23, 1819.

*BE it enacted by the General Assembly of the State of Indiana, That it shall be lawful for the said company, to receive from the United States, or from any state, or from any body corporate, subscriptions in the same manner as from individuals, and under the same conditions as pointed out in the 10th section of the act to which this act is an amendment. That the said United States, or state, or body corporate, shall have and enjoy all the privileges and emoluments arising from such subscriptions, that an individual or individuals would be entitled to, under the said act, any thing therein contained to the contrary notwithstanding.*

This act to be in force from and after its passage.

Bodies corporate authorized to subscribe and hold stock



## CHAPTER VIII.

*AN ACT for the benefit of the heirs of James Marrs, deceased.*

APPROVED, January 11, 1820.

Wm. Marrs  
authorised to  
convey lots.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That William Marrs, of Washington county, be, and he is hereby authorized to make sale of the following lots in the town of Evansville, to wit. lots numbers nineteen, twenty, twenty-one, twenty-two, twenty-seven, twenty-eight, twenty-nine and thirty, which lots were conveyed to the heirs of the said James Marrs, deceased, by Hugh M'Gary, and Polly his wife.*

Sale at auc-  
tion with no-  
tice.

SEC. 2. It shall be the duty of the said William Marrs, as soon as he may judge expedient, to proceed to make sale of the same at public auction, by giving public notice thereof in at least two public newspapers in this state, and also advertising the same at Evansville, Princeton, Saundersville, Owensville, and Boonville, at least three weeks previous to said sale. The proceeds of such sale, shall be first applied to the payment of the money due on a certain quarter section of land, near Evansville, entered in the name of Nathaniel Claypool, and transferred to the said James Marrs, now deceased, and the balance

to be equally divided among the heirs of the said James Marrs, deceased.

This act shall take effect from and after its passage.

## CHAPTER IX.

*AN ACT to Incorporate Madison Academy.*

APPROVED, January 11, 1820.

WHEREAS it has been represented to this General Assembly, that a number of the citizens of Madison, in the county of Jefferson, have, for the purpose of Preamble promoting the advantages of education, and by the aid of private contributions, established an academy in the town aforesaid, and whereas it is represented to this General Assembly, that an act to incorporate the said academy, would greatly promote the objects of the said institution, and by that means more effectually promote the happiness of the rising generation, therefore :

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That John M'Intire, John Paul, Israel T. Canby, Thomas Douglass, Thomas Crawford, Jeremiah Sullivan, and Robert Cravens, shall be, and they are hereby constituted a body corporate and politic, to be known by the name of the trustees of Madison Academy, and by that name shall have perpetual succession,*

Trustees of  
the academy  
a body cor-  
porate and  
politic



and a common seal, with power to alter or change the same at pleasure; and as a body corporate, shall be authorized to exercise all the powers and privileges necessary to carry the objects of this institution into complete effect, not incompatible with the constitution and laws of this state, or of the United States, and on the death, resignation, or other disqualification of any of the trustees aforesaid, or their successors, a majority of the remaining trustees shall fill such vacancy, and the person or persons so appointed, shall be vested with the same power and authority as if specially named in this act; and by the name and style of the trustees of Madison Academy, may sue, and be sued, plead, and be impleaded, in any court of law or equity.

Power to  
hold proper-  
ty

SEC. 2. The said trustees, and their successors shall have power, in their corporate capacity, to purchase or receive by donation, any lands, tenements, hereditaments, monies, rents, goods and chattles, provided the proceeds thereof are applied to the sole use and benefit of the said academy.

President,  
Treasurer &  
Clerk to be  
appointed

Oath of office  
how to be ad-  
ministered

SEC. 3. The trustee first named herein, or in his absence, neglect or refusal to act, the next person named shall give notice of the time and place of the first meeting of the trustees, and on the attendance of a majority thereof, they shall appoint a President, Treasurer and Clerk, out of their body, and shall severally take an oath, to be administered by some person duly authorized to administer oaths, well and truly to exercise

the duties of trustee of said academy, and thereafter a board may be called by the president, or any two of the trustees. The said trustees shall have power to adjourn from day to day; to make such laws, rules and regulations, as they shall deem proper and useful for the government of said academy, not contrary to the laws of this state, and to fix on a proper place to erect the buildings for the use of said academy, and employ workmen to erect and finish the same; but it shall be necessary that a majority of the trustees be present at the making of any contract fixing the permanent seat for the buildings aforesaid, and making laws to rule and regulate the said academy.

Trustees  
have power  
to make bye-  
laws

SEC. 4. A majority of said trustees, shall have power to engage and employ a competent number of tutors and professors to the said academy, to fix their salaries, and the salary of their clerk, as also the terms of tuition; and on the misconduct of any tutor, professor, or student, may dismiss or expel, such tutor, professor or student, from the said academy.

To appoint  
tutors, &c.  
and dismiss  
the same

This act to be in force, from and after its passage.



## CHAPTER X.

*AN ACT appointing Commissioners to select, and locate a site for the permanent seat of government of Indiana.*

APPROVED, January 11, 1820.

Commissioners named

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That* George Hunt, of the county of Wayne, John Conner, of the county of Fayette, Stephen Ludlow, of the county of Dearborn, John Gilliland, of the county of Switzerland, Joseph Bartholomew, of the county of Clark, John Tipton, of the county of Harrison, Jesse B. Durham, of the county of Jackson, Frederick Rapp, of the county of Posey, William Prince, of the county of Gibson, and Thomas Emerson, of the county of Knox, be, and they are hereby appointed commissioners to select and locate a site for the permanent seat of government of the state of Indiana.

Governor to give notice when to meet

SEC. 2. It shall be the duty of the Governor, when he may deem it expedient, to give the commissioners, aforesaid, notice by proclamation requesting them to meet at the house of William Conner, on the west fork of White river, on a day to be named in the proclamation, and the commissioners aforesaid, or a majority of them when assembled, after taking an oath or affirmation, faithfully to discharge the duties of their office, (which oath may be administered by

To take an oath

any one of said commissioners, to some one of the others, and by that one to all the others) shall proceed to view, select, and locate, among the lands of the United States, which are unsold, a site which in their opinion, shall be most eligible and advantageous for the permanent seat of government of Indiana, embracing four sections, or as many fractional sections, as will amount to four sections.

SEC. 3. The commissioners aforesaid shall appoint a clerk, who shall keep a fair record of their proceedings herein, which shall be signed by each and every of them, and attested by their clerk, a copy of which they shall file in the office of the secretary of state, so soon as they shall have completed the location aforesaid, and the secretary of state, shall certify to the Register of the Land-Office, in whose district such lands shall lie, the town, range, and numbers of the sections, or fractions so located, previous to the sales of such lands, and also forward a certificate of the same to the commissioner of the General land-office, within ten days after the same may be filed in his office, and the original record of the proceedings of the commissioners, shall be by them laid before the next General Assembly, on or before the third day of their session, and the General Assembly shall thereupon proceed to establish the permanent seat of government, in and upon the lands so selected and located by the commissioners aforesaid.

To appoint a clerk, and sign record of proceedings

A copy to be filed in Secretary's office

Certificate of location to be made to R. of L. office, and to Commissioner of Gen. Land office.

Original record to be laid before next General Assembly



Commission-  
ers compen-  
sation.

SEC. 4. That the commissioners shall be allowed the sum of two dollars each, per day, for their services, and also the sum of two dollars for every twenty-five miles each may travel, to and from his respective home, to the place where the commissioners are to meet by the provisions of this act, the amount to be audited by the Auditor of public accounts, and to be paid out of any money in the treasury, not otherwise appropriated.

## CHAPTER XI.

*AN ACT establishing the office and defining the duties of Masters in Chancery.*

APPROVED, January 7, 1820.

circuit courts  
to appoint  
masters in  
chancery

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana,* That the several Circuit Courts within this state, may appoint within their respective counties, one Master in Chancery, who shall hold his appointment until removed by said court.

Their oath of  
office

SEC. 2. *Be it further enacted,* That each Master in Chancery, as soon as he shall be appointed, shall repair to the clerk of the Circuit Court of the county, in which he shall reside, and take an oath faithfully and impartially to administer and discharge the duties of a Master in Chancery, to the best of his knowledge and ability; together with the several

oaths prescribed by law; a certificate of which shall be filed in the office of the said clerk.

SEC. 3. *Be it further enacted,* That it shall be the duty of Masters in Chancery to take all depositions, attestations, and answers in Chancery, to administer oaths, to take acknowledgments of deeds, mortgages, powers of attorney, recognizances and other legal writings, and conveyances, in the same manner, as justices of the peace are empowered to do; and to decide and report upon such matters of account and practice, &c. as may be referred to them, by the Courts of Chancery, according to the usual practice of such courts; which reports and decisions may be excepted to by motion to the court in such manner as is usual. Their duties

SEC. 4. *Be it further enacted,* That the fees of Masters in Chancery, for taking depositions, administering oaths, and taking acknowledgments of deeds, &c. shall be the same as those allowed to justices of the peace for the same services; and for transacting business referred to them by the court, they shall be allowed a reasonable compensation for their trouble, to be allowed by the court, and to be paid by the party against whom the decree is rendered, and to be collected in the same manner as the fees of the officers of the court are collected. Their fees

SEC. 5. *Provided however,* That nothing in this act contained, shall be so construed as to prevent justices of the Proviso



peace from taking depositions; or to prevent justices of the peace, or county recorders from taking acknowledgments of deeds, or other instruments as heretofore.

This act to take effect, and be in force from and after its publication.

## CHAPTER XII.

*AN ACT for the relief of William Hoggatt.*

APPROVED, January 11, 1820.

Preamble

WHEREAS it is represented to this General Assembly that William Hoggatt, sheriff of Washington county, in the year 1816, resigned his office of sheriff as aforesaid, before he had collected the taxes due from a portion of the inhabitants of said county; and whereas that part of Washington from which the taxes are due, has been stricken off, and forms a part of the county of Orange; and whereas the successor of the said Hoggatt, has not collected the taxes so due, and the said William Hoggatt is remediless, without legislative interposition, having taken no bond from his said successor to whom the tax books were delivered, therefore:

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That*

the said William Hoggatt, be, and he is hereby authorized to collect all taxes, which may be due and uncollected for the term for which the said Hoggatt was sheriff, as aforesaid, in the same manner as if the said part of the county of Washington, had not been stricken off, and the said Hoggatt had continued to be sheriff as aforesaid.

Authorized  
to collect  
certain taxes

This act to take effect from and after its passage.

## CHAPTER XIII.

*AN ACT for the relief of Joseph W. Doke.*

APPROVED, January 11, 1820.

WHEREAS it appears to this General Assembly, that Joseph W. Doke, Brigade Inspector, of the 4th Brigade of the Indiana militia, was by the division of the said brigade, thrown out of his command, and was thereby prevented from completing the services required of him by law, for the year, after having discharged at least one half thereof; and there being no law to authorise a compensation to be made him for the aforesaid services, therefore:

Preamble

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That the sum of twenty-five dollars be paid to the said Doke, out of any monies in the treasury not otherwise appropriated;*

Appropriation



and the auditor of public accounts is hereby directed to draw his warrant on the state treasurer for the same.

#### CHAPTER XIV.

*AN ACT authorising the issuing of writs of Habeas Corpus.*

APPROVED, January 11, 1820.

Writs of  
Habeas Cor-  
pus by whom  
to be issued  
Proceedings  
thereon

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That the Judges of the Circuit Courts in this state, or any one of them in vacation, shall have power and authority to issue writs of Habeas Corpus, and proceed to trial thereon, and hear and determine the same according to the rules of the common law, and the usages and customs of courts in such cases, any law, usage or custom, to the contrary notwithstanding.*

#### CHAPTER XV.

*AN ACT to amend an act, entitled "An act more effectually to prevent duelling."*

APPROVED, January 7, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That from and after the taking effect of this*

act, so much of an act entitled "An act more effectually to prevent duelling," approved, December 28, 1818, as requires Attornies and Counsellors at law, (who may hereafter apply for a licence to practice as such, in any of the courts of this state,) to take that part of the oath prescribed in the aforesaid act, called the duelling oath, be and the same is hereby repealed: any law or usage to the contrary notwithstanding.

This act to be in force from and after its publication.

Attornies and  
Counsellors  
excused from  
taking the  
duelling oath

#### CHAPTER XVI.

*AN ACT to authorize the printing and distributing the Acts and Journals of the present General Assembly.*

APPROVED, January 7, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That it is hereby made the duty of the Secretary of state, to furnish Nelson & Cox with the acts and joint resolutions of the present General Assembly, when called for at the Secretary's office, whose duty it shall be to print eighteen hundred copies thereof, together with an index, and marginal notes, to be made out by Reuben W. Nelson; and it shall be the duty of said printers, so soon as the printing aforesaid, shall have been completed, to return to the office of the said Secretary of state, the manuscripts fur-*

Secretary of  
States' duty

No. of copies  
to be printed

Manuscript  
to be return-  
ed



Time of approval to be inserted after the title.

nished as aforesaid, and in printing the aforesaid acts and joint resolutions, it shall not be necessary to print either the name of the Speaker of the House of Representatives, the President of the Senate, or of the Governor, but immediately after the title of each act, and joint resolution, the time of its approval shall be inserted.

At what rate to be printed

SEC. 2. The printers of the laws, and the printers of the journals are required to print the laws and journals of the present session of the General Assembly, at the rate of thirty-two pages per week, agreeably to contract.

The treasurer or to pay the price contracted for

SEC. 3. So soon as the said printing shall be completed, and the copies delivered to the Secretary of State, agreeably to contract, the state treasurer shall pay the price contracted for, upon the order of the Auditor of public accounts, out of any monies in the state treasury, not otherwise appropriated, the certificate of the secretary of state for the receipt of the same, shall be sufficient authority for the auditor to audit and allow said printers the amount contracted for.

Contract to be made for transportation

SEC. 4. The Secretary of State, Auditor and Treasurer of State, are hereby authorized and required to contract with some person or persons, to convey the copies of the acts and journals, when printed and stitched, to the clerks of the circuit courts of the several counties in this state, in proportion hereinafter mentioned, taking bond and security for the faithful performance of the contract, and the expense of such distribu-

Manner of distribution

tion shall be paid by the state treasurer, upon the order of the auditor of public accounts, out of any monies in the treasury, not otherwise appropriated; and the laws and journals aforesaid, shall be distributed as follows, viz. The counties of Wayne, Franklin, Clark, Harrison, Dearborn, Jefferson, Washington, Knox, Orange, Posey, Gibson, Fayette, Jennings, Jackson, Monroce, Vigo, and Randolph, each forty-five copies of the acts; the counties of Ripley, Switzerland, Floyd, Lawrence, Owen, Sullivan, Daviess, Dubois, Pike, Vanderburgh, Warrick, Spencer, Perry, and Crawford, each forty copies of the acts: to each member of the senate, sixteen copies of their journals, and to each member of the house of representatives, fifteen copies of their journals to be distributed by them among their constituents.

SEC. 5. The Governor, Lieutenant Governor, Secretary of State, Auditor, State Treasurer, each member of the present General Assembly, each Judge of a Court, each and every justice of the peace, clerk of the several courts, recorder, county commissioner, sheriff, coroner, trustee of a public seminary, and county treasurer, elected, or who shall hereafter be elected in this state, shall be entitled to receive one copy of the acts of the present General Assembly, upon application to the clerk of their respective counties.

SEC. 6. That the first, second, third, fourth, fifth, seventh, eighth, and ninth sections of the act entitled "An act to authorize the printing and distributing



the acts and journals of the present General Assembly," approved December 31, 1818, be and the same are hereby repealed: and that the act entitled "An act providing for the public printing, and for other purposes," approved December 20, 1816, be, and the same is hereby revived.

This act to be in force from and after its passage.

### CHAPTER XVII.

*AN ACT for the benefit of the heirs of the, late Andrew Fulton, deceased.*

APPROVED, January 7, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That Margaret Fulton, John Irvin, and John Anderson, guardians of the infant heirs of the late Andrew Fulton, deceased, be, and they are hereby authorized to appropriate all monies due said estate, when the same shall be collected, or so soon thereafter, as may be advisable, in the purchase of real estate, for the sole use and benefit, and in the name of, said infant heirs, in such manner as will best promote the interest of the heirs aforesaid; Provided nevertheless, that the guardians aforesaid, shall reserve enough out of the proceeds of said estate, for the support and education of the heirs aforesaid.*

Guardians to appropriate monies in purchase of real estate

Reservation

This act to be in force from and after its passage.

### CHAPTER XVIII.

*AN ACT regulating damages on protested Bills of Exchange.*

APPROVED, January 11, 1820.

WHEREAS Bills of Exchange are accounted in all mercantile transactions as ready money, and it is expedient for the advancement of trade and commerce, that the credit of such bills should be preserved by making the same a sufficient security to the holder, and expedite a recovery thereupon, therefore:

Preamble

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That when any Bill of Exchange shall be drawn for the payment of any sum of money, and such bill shall be legally protested for non-acceptance, or non-payment, the drawer or endorser shall be subject to the payment of fifteen per cent damages thereon, if drawn on any person or persons living without the jurisdiction of the United States; and ten per cent damages thereon, if drawn on any person or persons residing within the jurisdiction of the United States, and without the jurisdiction of this state; and the bill shall in all cases bear an interest of six per centum per*

Drawer or endorser of bills of exchange subject to 15 per cent damages

If drawn on persons out of the state

Bill to bear interest



Proviso

annum, from the date of the protest for non-payment, until the money therein drawn for shall be fully satisfied and paid : *Provided*, nothing herein contained shall be so construed as to entitle any banking company, to any more or greater interest, than at the rate of six per centum per annum on any note which may have been discounted by such Bank, and which may afterwards have been protested for non-payment : *Provided also*, that nothing in this act shall be so construed as to subject the drawer or endorser of a Bill of Exchange to any other damages than the costs of protest for non-acceptance, if the Bill of Exchange be paid by the drawer when the bill arrives at maturity.

Proviso

## CHAPTER XIX.

*AN ACT defining seals to be affixed to instruments of writing and for other purposes.*

APPROVED, January 11, 1820.

SECS. 1. *BE it enacted by the General Assembly of the State of Indiana, That* Seals desired to all deeds, bonds, wills, powers of attorney for the conveyance of real estate, which shall be hereafter executed within this state, there shall be affixed a seal, either of wax, wafer or ink, otherwise called a scrawl ; and all other instruments of writing which may here-

after be executed, to which by law a seal is, or may be made necessary, each of the before mentioned methods of sealing shall have equal effects in law : *Provided*, that nothing in this section shall be construed in anywise to affect any law requiring any specified seal to be affixed to any instrument of writing therein mentioned. Proviso

SEC. 2. That from and after the taking effect of this act, it shall be the duty of the clerks of the several circuit courts within this state, to seal all process, except subpoenas, which may issue out of their respective offices, with the seal adopted by their respective courts, any law, usage or custom, to the contrary notwithstanding. Clerks to seal all process except subpoenas

SEC. 3. That the fiftieth section of the act entitled " An act reducing into one, all acts and parts of acts now in force in this state, regulating proceedings in actions at law, and suits in chancery," be and the same is hereby repealed. Repeal

This act to be in force from and after its publication.

## CHAPTER XX.

*AN ACT amendatory to an act, entitled " An act for the relief of the poor," approved, January 26, 1818.*

APPROVED, January 11, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That*



Certain poor  
persons to be  
farmed out

hereafter should any poor person within the description of poor persons named within the act, to which this is an amendment, be found in any county or township, within this state, and the overseers of such township where such poor person may be found, should be unable to ascertain and establish the last place of legal settlement of such poor person, it shall be lawful for the overseers of the poor of such township, to proceed to farm out such poor person, in the same manner that other poor persons are directed to be farmed out, by the act to which this is an amendment: *Provided also*, that it shall not be obligatory on the overseers of the poor of any township to remove any poor person without the bounds of this state, in search of the place of the last legal settlement of such poor person.

Proviso

Poor persons  
in certain  
cases to be  
taken as le-  
gally settled  
at the place  
of their resi-  
dence

SEC. 2. If any poor person in this state, shall not be able to prove their legal settlement in the township where they may reside, and the overseers of the poor of such township shall not be able to prove the place of legal settlement, they shall be deemed and taken as legally settled in the township of their residence, any thing in the act, to which this is an amendment to the contrary notwithstanding.

Overseers to  
provide for  
the burial of  
the poor

SEC. 3. That if any person shall die within any township, within this state, who shall not leave property, money or effects, to defray the funeral expences of such decedent, it shall be the duty of the overseers of the poor of such township to employ some person to provide

for, and superintend the burial of such decedent, and such person shall be paid (for such services and expences) in the same manner as is prescribed in the act to which this is an amendment.

This act to take effect, and be in force from and after its passage.

## CHAPTER XXI.

*AN ACT to amend an act entitled "an act to provide for the election of county and township officers."*

APPROVED, January 11, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the Board of County Commissioners, in any county in this state, to lay off any number of townships in their respective counties, that the convenience of their citizens may require, and assign to such township a proper number of magistrates, any thing in the act to which this is an amendment to the contrary notwithstanding: *Provided however*, that additional townships shall be established, and elections for township and county officers be held therein, in the manner prescribed by law in other cases, *Provided*, that when any justice of the peace, by the formation of a new township, shall be brought within the limits of the same, he shall be considered a justice of the peace, for such new

County com-  
missioners to  
lay off town-  
ships and as-  
sign magis-  
trates thereto

Proviso

No justice of  
the peace to  
be deprived  
of office  
thereby



township, for, and during the term for which he was elected.

**SEC. 2.** The board of County Commissioners, or the clerk of the Circuit Court in recess, are hereby authorized to receive the resignation of justices of the peace, and in all cases of vacancies in the office of justices of the peace, by resignation, removal, or otherwise, the county commissioners, on being informed thereof, shall cause such vacancies to be filled by election, as directed by law, and it shall be the duty of the clerk of the Circuit Court, on transmitting returns of election of justices of the peace, to the office of Secretary of State, to certify in whose room such person, so returned as elected, is to be commissioned; all those parts of the act, to which this is an amendment, which comes within the purview of this act, are, and the same are hereby repealed.

County commissioners or clerk to receive resignation of justices

How vacancies are to be filled

## CHAPTER XXII.

*AN ACT authorizing the citizens of towns to vacate said towns, or any part thereof, and for other purposes.*

APPROVED, January 14, 1820.

**SEC. 1.** *BE it enacted by the General Assembly of the State of Indiana, That whenever the inhabitants of any town in this state, incorporated or otherwise, for their own convenience and benefit,*

Parts of corporate towns may be vacated.

wish to vacate any lot, or lots, street, or streets, alley, or alleys, or any part thereof, in said town, the same may be in the manner hereinafter prescribed.

**SEC. 2.** The qualified voters of said town shall meet at the court-house in said town, if there be any, and if not, then at the most convenient place, and having chosen their officers to superintend the election, they shall proceed to determine by vote, *viva voce*, whether the vacation shall take place or not, and if after the polls of said election have been continued open for the space of three hours, and all wishing, may have voted, and there shall appear to be a majority of three-fourths of said votes, for said vacation the same shall be vacated.

The vacation to be determined by an election.

**SEC. 3.** It shall be necessary before any vacation shall take place, as authorized in the second section of this act, that the person or persons holding any lot or parcel of land immediately adjoining the part wished to be vacated, shall signify their assent thereto in writing, to be acknowledged before any Justice of the peace, of the proper county, and entered of record in the recorder's office of said county.

Consent of persons interested.

**SEC. 4.** Should at such election as authorized by this act, a sufficient number of votes be found in favour of vacating, it shall be the duty of the officers of said election, signing themselves as such, to make a correct return of their election, particularly describing the part to be vacated, to the recorder of the proper county, who shall enter of

Duty of officers of said election



record at length, in the deed book of his county.

Notice to be given

SEC. 5. No election shall be held as heretofore provided for, until at least ten days notice thereof shall have been given in some public newspaper, printed in the county where the vacation is wanted to be made, signed by one or more citizens of said town, particularly describing the lot or lots, street or streets, alley or alleys, or parts thereof, wished to be vacated, of the place and time of election.

The proprietors of towns may have lots in certain cases vacated

SEC. 6. Whenever any individual or company of men, may have heretofore, or shall hereafter lay off any town in this state, and may or shall hereafter wish to vacate the same, or any part thereof, for which they are not bound either legally or equitably to make a title to any part wished to be vacated, by having sold or contracted to sell the same or any part thereof, he, she, or they may have power so to do, by giving notice as before directed, that he will apply to the board of county commissioners of the proper county, for permission so to do, and the said commissioners shall after deliberate examination into the request, and hearing all objections which may be made thereto, determine whether said town, or any part thereof, shall be vacated.

By applying to the county commissioners

County commissioners duty

SEC. 7. Should the County Commissioners decide that the town as wished for, shall be vacated, they shall require their clerk to enter the same on the record of their proceedings, particularly describing the town, or part thereof, so

vacated, and to give a certified copy thereof, to the recorder of the proper county, who shall enter the same at length in the deed book of his county.

SEC. 8. All towns, or any part or parts thereof, which may be vacated under the provisions of this act, shall be as entirely and completely vacated, as if a special act of the General Assembly was passed therefor.

Operation of this act

SEC. 9. The Recorder of the proper county for the recording of the certificate, as required by this act, shall be allowed the sum of one dollar.

Recorder's fee

SEC. 10. *Be it enacted*, That whenever the inhabitants of any incorporated town in this state, deem it expedient to dissolve their incorporation, it shall be lawful for the qualified voters, at the time and place of holding their annual elections for trustees, to decide by vote *viva voce*, whether they will continue their said incorporation or not, and on counting the votes, if a majority of three-fourths of the qualified voters, resident within said incorporation have been present and voted for a dissolution of said incorporation, the same shall be dissolved.

Towns corporate may be dissolved

By an election

SEC. 11. It shall be the duty of the clerk of the board of trustees, to deposit in the clerk's office of their respective counties, a certified copy of their proceedings of such meeting, under the penalty of one hundred dollars, recoverable in any court of record having competent jurisdiction thereof, by action of debt.

Duty of clerk of board of trustees

SEC. 12. *Be it enacted*, That it shall be



Duty of clerk  
of counties

Proviso

Duty of trus-  
tees of cor-  
porate towns

And powers

Provisoes

the duty of the clerks of the several counties within this state, to make a record of such certified copy as may be transmitted to them, by the clerks of the boards of trustees, agreeable to the provisions of this act, within sixty days after the same shall have been deposited in their respective offices under the penalty of the eleventh section of the act to which this is supplementary, *Provided*, nothing in this act shall be so construed as to affect any contract or contracts entered into by the trustees of any incorporated town in this state, or the collection of any fines or tax assessed previous to the taking effect of this act.

SEC. 13. It shall be lawful for the trustees of any incorporated town in this state, to extend the jurisdiction of the corporation thereof, over any commons, or public ground, belonging to the said town, and the trustees of any incorporated town, situate on the bank of the Ohio river, in this state, shall have power to regulate the banks, shores, and wharves, in front of such town, and the same shall be deemed a part of the corporation, and within the jurisdiction of the trustees thereof, *Provided*, the owner or owners of the same, shall consent thereto, *Provided*, however that this act shall not give power to any corporation, to alter, vacate, or in any manner affect any ferries heretofore established by law, or which may hereafter be established.

## CHAPTER XXIII.

*AN ACT to prohibit the wearing of concealed weapons.*

APPROVED, January 14, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That* any person wearing any dirk, pistol, sword in cane, or any other unlawful weapon, concealed, shall be deemed guilty of a misdemeanor, and on conviction thereof, by presentment or indictment, shall be fined in any sum not exceeding one hundred dollars, for the use of county seminaries: *Provided however*, that this act shall not be so construed as to affect travellers.

Persons  
wearing con-  
cealed weap-  
ons indicta-  
ble

Proviso

## CHAPTER XXIV.

*AN ACT supplemental to "an act for the appointment of County Surveyors."*

APPROVED, January 14, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That* whenever hereafter any dispute may arise about the division of any land within this state, wherein the county surveyor of the county, where the lands lie, may be a party, or in any manner interested, it shall be lawful for the Circuit Court on application of either par-

County sur-  
veyor inter-  
ested in par-  
tition Circuit  
court to ap-  
point survey-  
or



ty, to appoint some suitable person in said county, whose duty it shall be to proceed to divide the same, for which service, the person so appointed, shall be entitled to the same fees as county surveyors are entitled to, for similar services.

## CHAPTER XXV.

*AN ACT authorizing the arrest and securing fugitives from Justice.*

APPROVED, January 14, 1820.

Fugitives  
from justice  
to be appre-  
hended

Justice to is-  
sue his war-  
rant and pro-  
ceedings  
thereon

Fugitive to  
be commit-  
ted

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That if any person shall commit any crime in any of the United States, or the territories thereof, and shall flee into this state, it shall be lawful for any Judge of the Supreme or Circuit Court, or justice of the peace, within this state, on the oath or affirmation of any person charging such fugitive with a crime, to issue his warrant, and cause such fugitive to be arrested, and brought before him, and after hearing the proofs and allegations for and against such fugitive, if in the opinion of such Judge or justice, the proof is evident, or presumption strong, as to the guilt of the person charged, it shall be the duty of such Judge or Justice, to commit such fugitive from justice, to the common jail of the county, where such arrest may be made, for any length of time, not exceeding one month.*

or in case any sheriff, coroner, or constable, shall have pursued such fugitive from the state from whence he fled, it shall be the duty of such judge or justice, to give such sheriff, coroner, or constable a warrant to remove such fugitive, which shall be a sufficient authority to remove such fugitive from this state to the state or territory from which he fled.

Or delivered  
up to be re-  
moved

## CHAPTER XXVI.

*AN ACT to incorporate the borough of Charlestown, in the county of Clark.*

APPROVED, January 14, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That the following persons, viz. Lemuel Ford, Benjamin Ferguson, John Carr, jun. Joseph A. Lingan, Alexander S. Henderson, William Duerson, and Charles B. Naylor, be, and they are hereby appointed trustees of the borough of Charlestown, aforesaid, a majority of whom shall form a quorum, and shall continue in office, until the first Monday in December, one thousand eight hundred and twenty, and until their successors are chosen and qualified, which said trustees, and their successors in office, shall be, and are hereby created and made a corporation and body politic, by the name and style of the trustees of the borough of Charlestown,*

Trustees ap-  
pointed

Quorum and  
continuance  
in office.

Created a  
body corpo-  
rate



Powers

and by that name, shall be, and are hereby made able and capable in law, to sue and be sued, plead and be impleaded, defend and be defended, in any court of justice; to ordain, establish, and put in execution, such bye-laws, ordinances and regulations, as shall to the said trustees, seem necessary, to keep in repair, and remove any obstructions in the streets and alleys of the borough, to remove from time to time, each and every public nuisance, to prevent swine of every description, belonging to residents of said borough, from running at large within the limits of the said corporation, to erect market houses, and other public buildings, and sink public wells on the public square, or the public streets of said borough, and generally to ordain, establish and put in execution, such bye-laws, ordinances and regulations as may seem necessary to the good government of the corporation aforesaid, not inconsistent with the constitution and laws of this state.

Perpetuation

SEC. 2. *And be it further enacted*, That said corporation shall have perpetual succession, and for that purpose, every person resident in the corporation aforesaid, having a legal or equitable title to real property therein, shall be entitled to vote for trustees, as aforesaid, which trustees shall be elected annually, on the first Monday of December, and shall hold their offices, until their successors shall be elected, and qualified, and shall have power from time to time, to fill vacancies, by appointing a successor or successors, who shall hold their office,

Voters

Elections

To fill vacancies

until the next annual election of trustees, as aforesaid.

SEC. 3. *And be it further enacted*, That the sheriff for the time being, of the county of Clark, as aforesaid, be authorized, and it is hereby made his duty, to hold the annual elections, for the said seven trustees, on the first Monday of December, as aforesaid, of which elections, it shall also be the duty of said sheriff, to give notice, fifteen days previously, by advertisement, in any public newspaper, in said county, or upon the door of the court-house, and such elections, shall be held in such manner, as may be consistent with the laws of this state, not being repugnant to the provisions of this act.

Duty of Sheriff of Clark to hold election

To give notice

SEC. 4. *And be it further enacted*, That the board of trustees aforesaid, shall have power to appoint a clerk to their board, and an assessor, and collector, for the corporation, and likewise a treasurer, who shall together with the members of said board, before entering upon the duties of their office, severally take an oath before some person authorized to administer the same, faithfully and impartially to discharge the duties of their respective offices.

Trustees to appoint a clerk, &amp;c.

Who are to be sworn

SEC. 5. *And be it further enacted*, That it shall be the duty of the clerk of said board to attend to its several meetings, and keep a record of the proceedings had therein, in a book provided for that purpose, by the board of trustees, and shall officially attest the same.

Clerk's duties

SEC. 6. *And be it further enacted*, That it shall be the duty of the assessor, to

Assessor's duties



assess the value of the lots in the borough aforesaid, and to make return thereof to the said board, according to such form, and at such times as the board may prescribe, *Provided*, however in making such assessment, that the houses and other improvements shall not be included in such assessment.

Proviso

Assessor to  
make returns  
of males over  
21 years

SEC. 7. *And be it further enacted*, That it shall be the duty of the said assessor, at the time he makes return as aforesaid, of the assessment of the lots in said borough, to make a return also of a list of the names of each and every male person, who shall have arrived to the age of twenty-one years, or upwards (not being the owner or owners of any real property in the corporation aforesaid) and who shall have been resident therein, prior to the first day of January, preceding any such assessment.

Trustees to  
levy a tax

Rates of tax

Poll tax

SEC. 8. *And be it further enacted*, That upon the return of such assessment of the lots aforesaid, by the assessor, it shall be the duty of the board of trustees, to levy a tax thereon, at such rate as shall not exceed one per centum per annum, on such valuation, and upon each and every person, whose names shall be returned as aforesaid, (not being the owner or owners of any real property within the borough aforesaid,) to levy annually a poll tax, which shall not be more than fifty cents, nor less than twenty-five cents, upon each of the persons described as aforesaid.

Collector to  
give bond

SEC. 9. *And be it further enacted*, That it shall be the duty of the collector aforesaid, to give bond with security to

the said board of trustees, and their successors, in double the amount to be collected, conditioned for the faithful collection, and payment to the Treasurer of the said board, of the taxes assessed as aforesaid, in such manner, and at such time, as shall by the board aforesaid, be prescribed.

Condition

SEC. 10. *And be it further enacted*, That it shall be the duty of the said collector to demand of each and every person chargeable with taxes aforesaid, personally, or by written notice, at their usual place of residence, (if resident within the said borough) and if payment of the said taxes, be not made within ten days after such demand, it shall be the duty of said collector, to advertise such real property as shall have been subjected to taxation, by assessment as aforesaid, for thirty days in some public newspaper, or by advertisement on the door of the court-house of the county aforesaid, and thereafter proceed to sell the said property or so much thereof as will satisfy the amount of taxes due thereon, as well as all necessary cost of advertisement and sale thereof, and the owner or owners of such lot or lots, or parts thereof, which shall have been sold for the taxes aforesaid, shall have power to redeem the same under the same provisions, by which lands are, or shall be redeemed, when sold for taxes, under the authority of the revenue laws of this state.

Duties and  
powers of  
collector as  
to taxes

To advertise

And sell

Privilege of  
redemption

SEC. 11. *And be it further enacted*, That it shall be the duty of the said treasurer, to give bond with security, in such

Treasurer to  
give bond



Condition

sum as the board aforesaid, shall require, payable to the said trustees, and their successors in office, conditioned for the faithful discharge of the duties of his office, and for the payment of any monies in his hands as such, agreeably to the orders of the board of trustees attested by their clerk.

Trustees to allow compensation to officers

SEC. 12. *And be it further enacted*, That the board of Trustees, or a quorum as aforesaid, shall have power to allow to the different officers by them to be appointed, as aforesaid, such compensation, from time to time, as shall by the said board, be deemed just and reasonable, and also to appropriate from time to time any monies accruing to the said corporation, to such purposes, within the limits of the same, as may be deemed best calculated to promote the welfare of the citizens of the corporation aforesaid.

Corporation limits

SEC. 13. *And be it further enacted*, That the limits of the said corporation, shall extend to, and embrace the original plat of the town of Charlestown, in said county, together with any addition or additions, which shall have been made, or may hereafter be made thereto.

Trustees to publish a statement of receipts and expenditures

SEC. 14. *And be it further enacted*, That it shall be the duty of the said trustees, in the months of May and November, in each year, to publish a statement of the receipts and expenditures of said corporation, either in some public newspaper, or by placing such statement on the court-house door, for at least three days in the months of May and November, aforesaid.

SEC. 15. *And be it further enacted*, That all laws and parts of laws, coming within the purview of this act, be and the same are hereby repealed. Repeal

This act to take effect from and after its publication in any newspaper in the county aforesaid. Time of operation

## CHAPTER XXVII.

*AN ACT to authorize the board of county commissioners of the county of Perry, to appropriate lot No. 183, in the town of Rome, to and for the use of a school-house, and for other purposes.*

APPROVED, January 14, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana*, That the board of county commissioners, or persons authorized to transact county business, in and for the county of Perry, be, and they are hereby authorized to appropriate lot number one hundred and eighty-three, in the town of Rome, in said county, to, and for the use of erecting thereon, a public school-house, and such other public buildings, as the persons authorized to transact county business, may think proper, for the use of said county.

County commissioners of Perry authorized to appropriate a certain lot for certain purposes

This act to be in force from and after its publication.



## CHAPTER XXVIII.

*AN ACT for the relief of persons imprisoned for the non-payment of fines, and for other purposes.*

APPROVED, January 17, 1820.

Preamble

WHEREAS it frequently happens, that persons convicted of offences, punished by fine, and being unable to pay the same, are committed to the county jails, by which means the punishment of small offences is often oppressively severe, and great expence accrues to the county, unless such persons are illegally discharged, for remedy whereof:

Persons committed for non payment of fines to be discharged after certain periods

Proviso

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That whenever any person is committed to any of the county jails, of this state, for the non payment of the fine and costs in any criminal action, in which such person has been defendant, it shall be lawful, and be the duty of the Jailor to discharge such person from his confinement, whenever the number of days next succeeding the commitment, shall equal the number of dollars of fine, for the non payment of which, such person was committed. Provided, that where the fine is not an even number of dollars, one day shall be added to the time of confinement, for the excess of fine above such even number of dollars.*

SEC. 2. The said confinement shall operate and be a complete discharge to such person, of the fine for the non payment of which he was committed, *Provided however, that a fi. fa. or casa. or other writ of execution, may issue against any person, so discharged, for the costs of prosecution, for the benefit of persons interested in such costs, at any time after such discharge, and the same proceedings as in civil cases shall be had thereon,*

Operation of discharge  
Proviso

## CHAPTER XXIX.

*AN ACT authorizing the citizens of Monroe county, and other counties therein named, to elect a President, and Trustees for a county library, and for other purposes.*

APPROVED, January 15, 1820.

WHEREAS it has been represented to this General Assembly, that the special act of this state, entitled "An act incorporating a county library in the county of Dubois, and other counties therein named," approved, January the twenty-second, one thousand eight hundred and eighteen, did not reach the citizens of the counties herein after named, until the time prescribed therein for holding the first election for the president and trustees of a county library had expired, and whereas, the said special act afore-

Preamble



said, by providing that a second election shall not take place under three years from the date of the first, (being the first Monday of September, one thousand eight hundred and nineteen) does thereby deprive the citizens of the said counties from instituting their county libraries, for remedy whereof:

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana*, That the qualified voters in the counties of Monroe, Ripley, Vigo, Sullivan, Owen, Crawford, Floyd, Spencer, Fayette, and Vandeburg, and all other new counties which may be created during the present session, are hereby authorized to assemble themselves at the court-house, or places of holding court in their respective counties, on the first Monday of May next, and when so assembled proceed to elect a president and seven trustees for the libraries of said counties, being in all respects regulated in said election, by the aforesaid law of one thousand eight hundred and eighteen.

SEC. 2. The president and trustees elected as aforesaid, shall be fully authorized to do and perform all acts and things which by the aforesaid act, they might or could have done, and shall continue in office until the first Monday of September one thousand eight hundred and twenty-one, and until their successors in office are duly elected, and qualified, at which period a second election shall be held, in conformity to the provisions of the special act aforesaid.

Qualified  
election of  
certain coun-  
ties author-  
ized

To elect pre-  
sident and  
trustees of  
libraries

Powers of  
trustees

Continuance  
in office

## CHAPTER XXX.

*AN ACT for the formation of a new county out of the counties of Clark, Jefferson, Jennings, Jackson, and Washington.*

APPROVED, January 12, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana*, That from and after the first day of February next, all that part of the counties of Clark, Jefferson, Jennings, Jackson, and Washington, which is contained in the following boundary, shall constitute and form a new county, to be known and designated by the name and style of the county of Scott, to wit: beginning at the south east corner of section number thirteen, in township two north, of range eight east, thence north to the south east corner of township three, north of the aforesaid range, thence on a direct line through said township, to the north west corner thereof, thence north with the line dividing ranges seven and eight, to the south fork of the Muscackituck river, thence down the same with the main channel thereof, until a land line running due south, will touch the south west corner of section thirty-two, township two north, in range six east, thence directly east until it touches the line dividing Clark and Washington counties, thence with the line dividing the aforesaid counties of Clark and Washington, north eastwardly, until it touches the south west corner of section number

Formation of  
Scott county

Boundaries



eighteen, of township two north, of range seven east, thence east to the place of beginning.

Commence-  
ment of its  
powers

SEC. 2. The said new county of Scott, shall from, and after the first day of February next, enjoy all the rights, privileges, and jurisdictions which to separate and independent counties do, or may properly belong and appertain.

Commission-  
ers to fix  
seat of jus-  
tice

SEC. 3. That Abel C. Pepper, of the county of Dearborn, Ralph Cotton, of the county of Switzerland, David H. Maxwell, of the county of Monroe, Burr Bradley, of the county of Washington, and Harbin H. Moore, of the county of Harrison, be, and they are hereby appointed commissioners, agreeably to an act entitled "an act for the fixing the seats of justice in all new counties hereafter to be laid off." The commissioners above named, shall convene at the house of James Ward, in the said county of Scott, on the first Monday in March, next, and shall immediately proceed to discharge the duties assigned them by law. It is hereby made the duty of the sheriff of Clark county, to notify the said commissioners, either in person, or by written notification, of their appointment, on or before the fifteenth day of February, next, and the said sheriff of Clark county, shall receive from the county of Scott, so much as the county commissioners shall deem just and reasonable, who are hereby authorized to allow the same out of any monies in the county treasury, in the same manner as all other monies are paid.

Where and  
when to con-  
vene

Sheriff of  
Clark to no-  
tify them

SEC. 4. The circuit courts, and other

courts of the county of Scott, shall meet and be holden at the house of James Ward, in the said county of Scott, until suitable accommodations can be had at the seat of justice in said county, and so soon as the circuit court is satisfied that suitable accommodations can be had at the county seat, they shall adjourn their courts thereto, after which time all the courts for the county of Scott, shall be holden at the county seat of Scott county, established as directed by law, *Provided however*, that the circuit courts shall have authority to remove the court from the house of James Ward, to any other place in said county of Scott, previous to the completion of the public buildings, should the said court deem it expedient.

Courts where  
to meet

To be ad-  
journed to  
County seat

Provide

SEC. 5. The agent who shall be appointed to superintend the sales of lots at the county seat of the county of Scott, or receive donations, shall reserve ten per cent out of the proceeds thereof, and pay the same over to such person or persons as may be appointed by law to receive the same, for the use of a county library, for said county of Scott, which he shall pay over at such time or times, and place, as may be directed by law.

County  
agents duty

SEC. 6. The board of county commissioners, for the said county of Scott, shall within twelve months after the seat of justice shall have been selected, proceed to erect the necessary public buildings thereon.

Public build-  
ings to be  
erected

SEC. 7. The said new county of Scott, shall form a part of the respective coun-



Election districts preserved

ties of Clark, Jefferson, Jennings, Jackson, and Washington, for the purpose of electing senators and representatives to the General Assembly, until otherwise directed by law, in the same manner as if this act had not been passed.

County commissioners to provide for repairing roads and highways

SEC. 8. The commissioners of the county of Scott, or any court, or board authorized to do county business, shall from time to time appoint supervisors, and apportion a sufficient number of hands, or as many as the law directs, to open and keep in repair the roads now leading through the bounds of said county of Scott, and which are known as public highways, leading from one place to another.

### CHAPTER XXXI.

*AN ACT for the formation of a new county, out of the counties of Daviess and Dubois.*

APPROVED, January 17, 1820.

Part of Daviess and Dubois to form new county

Boundaries

SEC. 1. BE it enacted by the General Assembly of the State of Indiana, That from and after the first day of February next, all that part of the counties of Daviess and Dubois, contained in the following bounds, shall form and constitute a separate county, viz. beginning at the north east corner of township four, north of range three, west of the second principal meridian, thence south with the range line dividing two

and three west, to the north east corner of section thirteen, in township one north, of range three west, thence west with the section line dividing twelve and thirteen, in said township, to the eastern branch of White river, thence down with the meanders of said river, to the sectional line dividing twenty-three and twenty-four, of township one north, of range five west, thence north with said sectional line dividing thirty-five and thirty-six, in township two, three and four north, of range five west, to the township line dividing four and five, thence east with said township line to the place of beginning.

SEC. 2. The said new county, shall be known and designated by the name of the county of Martin, and shall enjoy all the rights, privileges and jurisdictions which to separate and independent counties do or may properly appertain and belong.

SEC. 3. Martin H. Tucker, of Crawford county, Robert Sturgus, of Vigo county, David Craig, of Harrison county, Henry P. Thornton, of Jefferson county, Charles Beggs, of Clark county, are hereby appointed commissioners agreeably to the act, entitled "an act for fixing the seats of justice in all new counties hereafter to be laid off." The commissioners above named, shall meet at the house of Joseph D. Clemments, in said county of Martin, on the first Monday of March next, and shall immediately proceed to discharge the duties assigned them by law. It is hereby made the duty of the sheriff of Daviess

Name  
Rights

Commissioners to fix seat of justice

When and where to meet



Sheriff of  
Daviness to  
give notice

county, to notify the said commissioners either in person, or by written notification, of their appointments, on or before the tenth day of February next, and the said sheriff of Daviess county, shall receive from the said county of Martin, so much as the county commissioners shall deem just and reasonable, who are hereby authorized to allow the same out of any monies in the county treasury, in the same manner as other claims are paid.

Courts where  
to be held

SEC. 4. The circuit and all other courts of the county of Martin, shall meet and be holden at the house of Joseph D. Clemments, in the said county of Martin, until suitable accommodations can be had at the seat of Justice, and so soon as the courts of said county are satisfied that suitable accommodations can be had at the county seat, they shall adjourn their courts thereto, after which time all the courts for the county of Martin, shall be holden at the county seat of Martin county, established as directed by law. *Provided however,* that the circuit court shall have authority to remove the courts from the house of Joseph D. Clemments, to any other place in said county, previous to the public buildings being completed, should the circuit court see proper.

To be ad-  
journed to  
county seat

Proviso

County  
agents duty

SEC. 5. The agent who shall be appointed to superintend the sales of lots, of the county seat of the county of Martin, shall receive ten per cent out of the proceeds thereof, and pay the same over to such person or persons as may be appointed by law to receive the same.

for the use of a library for the said county of Martin, which he shall pay over at such time or times and place as may be directed by law.

SEC. 6. The board of County Commissioners of said county of Martin, shall within twelve months after the permanent seat of justice shall have been selected, proceed to erect the necessary public buildings thereon.

Public build-  
ings to be  
erected

SEC. 7. The said new county of Martin, shall form a part of the respective counties of Knox, Daviess, Sullivan, Vigo, and Owen, for the purpose of electing senators and representatives to the General Assembly, until otherwise directed by law, in the same manner as if this act had not passed.

Election dis-  
tricts preserv-  
ed

SEC. 8. The same powers, privileges, and authorities, that are granted to the qualified voters of the county of Dubois, and others named in the act entitled, "an act incorporating a county library in the counties therein named," approved, January 28, 1818, to organize, conduct, and support a county library, are hereby granted to the qualified voters of the county of Martin, and the same power and authority therein granted to, and the same duties therein required of the several officers, and the person or persons elected by the qualified voters of Dubois county, and other counties, in the said act, named for carrying into effect the provisions of the act entitled "an act incorporating a county library, in the county of Dubois, and other counties, therein named," according to the true intent and meaning thereof, are

Powers given  
to establish a  
county library



hereby extended to, and required of the officers, and other persons elected by the qualified voters of the county of Martin.

## CHAPTER XXXII.

*AN ACT declaring certain streams therein named, public highways.*

APPROVED, January 17, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That the following streams shall be considered public highways, to wit:* White river from its mouth to the main forks, the west fork from thence to the Delaware towns, the east fork from its junction with the west fork to the main fork, above the mouth of flat rock; Muskakatumuck, from its mouth to the main forks, the north fork to the town of Vernon, the south fork, from its junction of the main forks, to the mouth of Graham's fork. Big blue river from its mouth to the town of Fredericksburgh. So much of Whitewater as is within this state below the forks thereof, and the west fork of said river from the forks to the northern boundary of the county of Fayette. Laughry from the mouth to Hartford. Anderson river from the mouth to the forks. Poison creek from the mouth to Cummin's mills. Oil creek from its mouth to Aaron Cunningham's mills. Raccoon

Public high-ways  
White river  
Muskakatumuck  
Big Blue  
White water  
Laughry  
Poison creek  
Oil creek

creek from its junction with the Wabash to the mills of Brooks, Robbins and Rose. Big creek from its mouth to James Black's mills. Patoka river from its mouth to Moseley's mill. Indian creek from its mouth to Dickinson's mill. Indian Kentucky from its mouth to Brook's mill. Little Pigeon creek from its mouth to John Barker's mill; and Big Pigeon from its mouth to Fairchild's mill.

Raccoon creek  
Big creek  
Patoka  
Indian  
Indian Ky.  
Little Pigeon  
Big Pigeon

SEC. 2. If any person or persons, shall erect or keep up any mill-dam, or other obstruction, calculated to destroy or injure the navigation of any of the streams aforesaid, every person so offending shall for every such offence be fined in any sum not exceeding five hundred dollars, nor less than ten dollars, to be recovered by presentment or indictment, in the circuit court, of the proper county, and if any of the said streams, are or may be a county line, in that case suit may be brought in either of the counties bounding on such stream, and the person so obstructing shall moreover be liable to the action of any person or persons who may be injured thereby.

Penalty for obstructing the navigation  
If a stream be a county line where suit  
Liable to civil action

SEC. 3. If any person or persons shall obstruct any stream declared navigable by this act, by falling timber therein, and not remove the same within ten days thereafter, every person so offending shall for every such offence on conviction before any justice of the peace, of the proper township, be fined in any sum not exceeding three dollars; all fines collected for breaches of this act

Obstruction by falling timber  
Penalty



Appropriation of fines

shall be paid over by the officers collecting the same, to the trustee of the county seminary of the county where the same may be collected.

Proviso in favor of owners of the beds of streams

SEC. 4. *Provided however*, that nothing contained in the foregoing sections shall be so construed so as to prevent any person or persons who may have purchased from the United States, the bed of any stream by this act declared navigable, from erecting any dam, which when erected will be of public utility, *provided*, such person or persons shall provide and at all times (when said rivers, or creeks, shall contain a sufficient depth of water, to render such streams navigable) keep in repair good and sufficient locks or slopes of dimensions sufficient to secure the safe passage of all such boats or other crafts, as may navigate said rivers, *Provided also*, that nothing in this act contained, shall be construed so as to affect any mill dam, or dams, erected across any of the forementioned water courses previous to the passage of this act, if proper slopes or locks as herein prescribed, be erected and kept in repair within two years after the taking effect of this act, the dimensions and construction of which, together with all other locks and slopes contemplated in this act, the county commissioners of the proper county, shall at all times have a right to prescribe and regulate: *Provided*, that no slope or lock shall be necessary to be made at or above Winnes' mill, on Blue river, until the same shall be deemed

Provided locks or slopes are kept up

Not to affect certain dams

If slopes or locks are provided within two years

County commissioners duty and powers

Reservation on Blue river

necessary, by any future General Assembly of this state.

## CHAPTER XXXIII.

*AN ACT to secure the collection of a certain debt due the state.*

APPROVED, January 18, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana*, That Joel D. Thomasson, of the county of Harrison, be, and he is hereby appointed to collect and pay over to the treasurer of state, the amount of a certain judgment obtained in the circuit court of the county of Harrison, aforesaid, at the August term of said court, held in the year one thousand eight hundred and eighteen, for the sum of one thousand dollars; in favor of Jonathan Jennings, Governor of the state of Indiana, for the use of the said state of Indiana, against certain citizens of the said county of Harrison, therein named, and the said Joel D. Thomasson, by virtue of this act shall have full and competent power and authority to levy any writ or writs of execution, and make sale thereon, agreeably to the laws now in force in this state, and to do and perform such other things as are necessary to carry the objects of this law into complete effect.

Collector appointed

His powers

SEC. 2. It shall be the duty of the said Joel D. Thomasson, before he pro-



Collector to  
take oath

To enter in  
to bond

Condition

Allowance

ceeds to the collection of the judgment aforesaid, to take an oath for the faithful discharge of the duties of the appointment herein named, and it shall furthermore be his duty to enter into bond in the penal sum of two thousand dollars, with at least two sufficient securities, payable to the Governor of the state of Indiana, with the condition that he will faithfully collect, and pay over within twenty days after the same shall be collected, the amount of the said judgment, to the treasurer of state.

SEC. 3. The said Joel D. Thomasson, shall be allowed four per centum, for the collection thereof, to be paid in the same manner as other costs are paid.

#### CHAPTER XXXIV.

*AN ACT divorcing John Reed, from his late wife Jane Reed.*

APPROVED, January 18, 1820.

Preamble

WHEREAS sufficient evidence has been produced to this General Assembly, that Jane Reed, late Jane Knapper, has abandoned her husband John Reed, of Fayette county, in this state, and otherwise acted towards her said husband, in such manner as is unbecoming a prudent and virtuous wife; and whereas also, it has been made to appear to this General Assembly, that the said John Reed, had during the time his said wife lived with him, sold

lands with the consent of his said wife, and given his bond for the conveyance of the same, free of all incumbrances; and it appearing that owing to the conduct of said Jane Reed, as above set forth, the said John Reed, is unable to make such conveyance, as his bond requires, therefore:

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That* the bands of matrimony, heretofore solemnized between John Reed, of Fayette county, in this state, and Jane Reed, late Jane Knapper, be, and the same is hereby dissolved; and the said John Reed, be, and he is hereby free from any obligation, in consequence of the aforesaid marriage contract, in all respects as if the same had never been entered into.

Bands of  
matrimony  
dissolved

This act shall be in force, from and after its passage.

#### CHAPTER XXXV.

*AN ACT to vacate a part of the town of Lainsville.*

APPROVED, January 18, 1820.

WHEREAS it is represented to this General Assembly, by the petition of Edward Pennington, that he laid off a town in the north west quarter section of land in range five east, township three south, section twenty, being

Preamble



In the county of Harrison, known by the name of Lainsville, and had the same duly recorded in the recorder's office of said county, according to law; and whereas the said petitioner prays that a law may be passed to vacate a part of said town, viz. from lot number twenty-seven, to lot number fifty-two, both inclusive, therefore:

Certain lots  
vacated

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana,* That all the lots in the town of Lainsville, from number twenty-seven, to fifty-two, both inclusive, with Pennington street, be, and the same is hereby vacated, in the same manner as if the said town of Lainsville, had never been laid off.

This act to take effect and be in force from and after its publication.

### CHAPTER XXXVI.

*AN ACT for the benefit of certain lessees:*

APPROVED, January 18, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana,* That the present lessees on the reserved township in Monroe county, be, and they are hereby authorized and permitted to hold over, and occupy the several premises which they now occupy, for the term of three years from the expiration of their present leases, by entering into bond

Lessees of a  
certain town-  
ship

Permitted to  
occupy a cer-  
tain time

To give bond

with sufficient security, payable to the Governor, for the time being, and his successors in office, for the use of the state of Indiana, conditioned that they will faithfully fulfil and perform the following conditions, that is to say; that each lessee respectively, will in addition to the improvements which they are already bound to make, clear smooth, put under a good fence, at least eight rails high, two acres of ground, and put the same in meadow, in a complete and farmer-like manner, that they will also plant, and faithfully cultivate an orchard of at least fifty apple trees, and one hundred peach trees, and leave the said premises, orchard, and meadow, in complete order, and good repair, at the expiration of the said term of three years as aforesaid. Condition

### CHAPTER XXXVII.

*AN ACT for the benefit of the heirs of Daniel Rhodes, deceased.*

APPROVED, January 18, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana,* That the executor, and executrix, of the last will and testament of Daniel Rhodes, late of Warrick county, deceased, be, and they are hereby authorized and empowered to reconvey to the use of Warrick county, a certain lot of ground, situate in the town of Darlington, and

Representa-  
tives of D.  
Rhodes au-  
thorized to  
reconvey a  
certain lot



known and designated on the plat of said town, by its number, fifty-four, (which was purchased by the said Daniel Rhodes, in his life time, from the said county of Warrick) in order to enable the heirs of said Daniel Rhodes, deceased, to recover from the said county of Warrick, the amount of the original purchase money paid for said lot, agreeably to the provisions of a law of this state in such cases made and provided.

### CHAPTER XXXVIII.

*AN ACT to organize a board of Physicians, in the fourth Judicial circuit of the state of Indiana, and for other purposes.*

APPROVED, January 18, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That* Doctors William Trafton, Enoch Jones, and Alva Pascho, are hereby declared to be, and compose the first board of medical censors, in and for the fourth medical district of the state of Indiana; who shall meet at the house of Alfred O. Warner, in the town of Evansville, on the first Monday of March next, and shall organize themselves under the provisions of an act now in force, to regulate the practice of Physic and Surgery, approved, December 24, 1819.

SEC. 2. The said board of Physicians, thus organized, shall have all the pow-

First board  
of medical  
censors or-  
ganized

When and  
where to  
meet

Powers

ers, and be subject to all the penalties, as is contemplated in the aforesaid act, and shall in all respects be governed by the provisions thereof.

SEC. 3. The state medical society shall hereafter have full power to establish and organize as many additional boards of Physicians, as they may, from time to time, deem expedient, who shall be governed by the same laws and usages, as boards of Physicians heretofore organized, are now, or may hereafter be governed.

This act to take effect and be in force from and after its passage.

Powers granted to state medical society

### CHAPTER XXXIX.

*AN ACT to amend the act entitled "An act regulating estrays, and water crafts, going adrift."*

APPROVED, January 18, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That* if any person or persons shall hereafter take up any estray animal, or animals, or water crafts, under the provisions of the act to which this is an amendment, and shall remove the same out of the county in which such estray was so taken up, so as to prevent the owner or owners thereof, from reclaiming the said animal, or animals, or water craft, aforesaid, for more than the space of three days at any one time, such person

estrays taken up not to be removed

Except for a certain time



Penalty for  
breach

or persons so offending, shall be subject to the same forfeitures to which persons are now subject under the provisions of the act to which this is an amendment, for trading or selling estrays, or water crafts, to be recovered in the same manner pointed out in the act to which this is an amendment.

Horses, &c.  
not to be taken  
up in  
certain cases

Penalty

Proviso

SEC. 2. Any person or persons who shall take into custody any horse creature, except at his, her, or their place of residence, or shall drive any live stock out of the woods, to their place of residence, and shall take up such horse creature, or stock, such person or persons so offending on conviction thereof, before a competent tribunal, shall be fined in any sum not exceeding one hundred dollars, and shall moreover, be liable to an action of damage to the party injured: *Provided*, that nothing in this section shall be so construed, as to affect any person who shall take up any horse creature, that may be running at large in a wilderness country, distant from any settlement, that might be lost to the owner, if not taken up, or that may drive in any live stock out of the woods, to his place of residence in the winter time, and take the same up according to law, that may be likely to perish for want of food, or the inclemency of the season; if such horse creature, or stock be not taken out of the limits of the county where they may be running, or may be found.

Persons not  
observing the

SEC. 3. If any person or persons shall take up any estray animal, or water craft, under the provisions of the act to

which this is an amendment, and shall neglect or refuse to comply with the provisions and regulations of said act, as well as the provisions of this act, the person or persons so offending, shall on conviction thereof, be fined in any sum not exceeding one hundred dollars, at the discretion of the jury who shall try the same: *Provided however*, that on complaint made to any justice of the peace, for a violation of the provisions of this act, or the act to which this is an amendment, the fact or facts, being fully proven, if in the estimation of such justice, the fine for such offence, ought not to exceed three dollars, or the law do not fix the fine for such offence, at a greater sum, he may inflict a fine commensurate to the offence, not exceeding three dollars, saving to the individual so fined, the right of an appeal to the Circuit Court, if the same be applied for, within ten days next preceding the assessment of such fine, which if confirmed by the said court, the appellant shall be liable for all costs, together with such fine, and shall stand committed until the same be paid.

provisions of  
certain acts

Subjected to  
a penalty

Proviso



## CHAPTER XL.

*AN ACT extending the limits of the corporation of the town of Rising Sun, in the county of Dearborn.*

APPROVED, January 13, 1820.

Jurisdiction  
of Rising  
Sun extend-  
ed

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That the jurisdiction of the corporation of the town of Rising Sun, in Dearborn county, shall be extended to, and comprised within the following boundaries, to wit: beginning at low water mark on the Ohio river, forty poles below the lower boundary line of the present limits of said corporation, thence north sixty degrees, west one mile to a stake, thence north thirty degrees, east one mile to a stake; thence south sixty degrees, east to the Ohio river, thence down the river to the place of beginning.*

## CHAPTER XLI.

*AN ACT for the appointment of trustees to receive deeds for lots or lands, given or purchased for the use of schools, or meeting houses.*

APPROVED, January 1, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That*

whenever any congregation or congregations, religious society or societies, church or churches, shall be desirous of receiving by gift, grant, donation or purchase, any lots or lands (provided such purchase shall not exceed the quantity of five acres of land) for the purpose of erecting thereon, any school or meeting house or houses, it shall be lawful for such congregation or congregations, society or societies, or a majority of them, to meet at some public place in the neighborhood of such church or churches, society or societies, congregation or congregations, after having given ten days notice thereof, and then and there proceed to the election of not less than three, nor more than five trustees, a majority of whom shall be capable of receiving a deed or deeds, for such lots or lands, so acquired by gift, grant or purchase, for the use and benefit of such church or churches, society or societies, congregation or congregations; who shall continue in office, for one year after their said election, and until their successors are elected by said society or societies, church or churches, congregation or congregations, and the person who acts as clerk of said election for trustees, shall within ten days after said election for trustees, deposit in the recorder's office of the county where such lots or lands lie, a certificate of the election of said trustees, which shall be recorded by the recorder of said county; and the lands so deeded by gift, grant, donation or otherwise, to the trustees as aforesaid, shall vest in them and their

Religious societies authorized to elect trustees for certain purposes

A majority of whom to receive deeds

Trustees continue in office

clerk of election to deposit certificate thereof with recorder

Lands to vest in trustees and successors



successors in office, for the entire use, benefit and advantage, of such society or societies, church or churches, congregation or congregations forever, all the right and title to such lots or lands so deeded as aforesaid: *Provided however*, when any lot or lots of ground as aforesaid, should be within the bounds of any incorporated town, within this state, it shall not be lawful for such church or churches, society or societies of people, to permit any grave-yard thereon.

Proviso as to  
lots in corpo-  
rate towns

Trustees to  
make sale in  
certain cases

SEC. 2. That whenever any church or churches, society or societies, congregation or congregations, shall be desirous of selling or disposing of any lots or lands so by them held for the purposes aforesaid, it shall be lawful for the trustees appointed in pursuance of this act, to sell and convey the same, for the purpose of erecting or repairing any school or meeting house or houses, on the balance of such lands, which may be held by them for the purposes aforesaid.

Trustees in-  
vested with  
certain pow-  
ers

SEC. 3. That the trustees appointed or elected, in pursuance of this act, shall have, exercise and possess, all necessary powers to enable them to purchase or convey, any lots or lands, for and on behalf of their respective societies, churches or congregations, for the exclusive benefit and interest of the same, within the true intent and meaning of this act: *Provided however*, that this act shall not be so construed, as to affect any donations heretofore given, but such donation shall be conveyed agreeably to the intention of the origi-

Proviso

nal donors, under the provisions of this act.

This act to take effect from and after its publication.

## CHAPTER XLII.

*AN ACT to amend the acts relative to foreign and domestic attachments.*

APPROVED, January 20, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That* in all cases where any person or persons may claim any real or personal property, attached under the provisions of the laws to which this is an amendment, the officer attaching the same, shall empanel a jury of six freeholders, of the county, and the said jury after being duly sworn by the said officer, who is hereby authorized to administer an oath for that purpose, shall proceed to try the right of such claimant, on the ground where such attachment shall have been served, and the officer shall give the claimant reasonable time to procure testimony, to substantiate his said claim, and in all cases where an appeal shall be taken from the verdict of such jury, the person or persons claiming such property, and in whose possession it may be, shall be at liberty on giving bond and sufficient security, in a reasonable sum, to be approved of by the officer serving such attachment, to reclaim

Persons  
claiming  
property at-  
tached

Officer to  
summon a  
jury

Right to be  
tried

Appeal

Claimant to  
give bond



Bond may be  
put in suit on  
condition  
broken

such property, until such appeal shall be determined, and on failure to deliver such property, agreeably to the true intent and meaning of such bond, the said bond may be put in suit by the plaintiff in such attachment, who shall recover thereon, all damages, by him sustained, according to the provisions of law in that case made and provided.

### CHAPTER XLIII.

*AN ACT to authorize a loan for the benefit of the state.*

APPROVED, January 20, 1820.

Governor to  
procure loan

Amount

Interest

Time and  
manner of  
payment

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That for the purpose of meeting the expenditures of the current year, the Governor be, and he is hereby authorized to obtain by loan, from any of the chartered Banks of this state, any sum in specie, or in notes of the chartered Banks of this state, four thousand dollars, in such amount, and at such times, as he may deem expedient, at an interest of not more than six per centum per annum, giving for the money so loaned, an obligation on behalf of the state, expressing on the face thereof, at what time, and in what manner, the principal and interest shall be paid; one copy of which obligation, shall be lodged by the Governor with the Auditor of public ac-*

counts, and one with the Treasurer of state.

SEC. 2. That the said money shall be loaned upon the following conditions, to wit: the principal shall be paid at the expiration of five years from the date of the obligation, or at any time within that period, as the General Assembly may direct, and the interest of said money shall be paid annually by the Treasurer of state.

Conditions of  
loan

SEC. 3. That upon any such loan, when made, it shall be the duty of the Governor to pay the same or cause it to be paid to the Treasurer of State who shall thereupon enter it upon the books of his office, in conformity to the existing laws of the state, regulating the duties of his office: *Provided however,* that the notes of the state bank, or any of its branches shall be received in payment of said loan at par.

To be paid  
to treasurer

Provide

### CHAPTER XLIV.

*AN ACT for the benefit of Widows.*

APPROVED, January 21, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That in all cases where any person has heretofore died intestate, or may hereafter die intestate, having purchased any lands of the United States, previous to such persons decease, and by that means became possessed of an equitable title*

Persons hav-  
ing equitable  
estate dying



thereto, but who shall not have completed the payments thereon, previous to the passage of this act, and who shall not have assigned, transferred or otherwise divested themselves of such equitable title, previous to such persons decease, nor obligated themselves so to do, but such equitable title shall have descended, or may hereafter descend to the heirs of such decedent, free from any other incumbrance, than the lien which the United States hold on such lands until the payments are completed, and the money due and unpaid for such lands, shall hereafter be paid out of the estate of such decedent, for the benefit of the heirs of such decedent, the widow of such deceased person shall be entitled to her right of dower in said lands in the same manner that she would have been if her deceased husband had died legally possessed of a legal title thereto, any law, usage, or custom heretofore in force in this state, to the contrary notwithstanding.

Widow entitled to her dower

Widows of intestates entitled to her thirds

Provided

SEC. 2. That hereafter when any person shall die intestate, it shall and may be lawful for the administrator of such decedent, to permit the widow of such person so dying intestate, to take her third part of such estate, or so much of such third part as she may choose at the appraisment; *Provided always*, that such widow shall in all cases give bond and sufficient security as other purchasers are required to do, at the sale of such decedents estate.

## CHAPTER XLV.

*AN ACT authorizing the guardians of Francis V. M'Kee, and Archibald M'Kee, minor children of the late Doctor Samuel M'Kee, deceased, to sell a certain portion of the estate of said deceased.*

APPROVED, January 20, 1820.

WHEREAS it has been represented to the General Assembly of this state, that it would be beneficial to the children of the late Doctor Samuel M'Kee, deceased, who are now minors, to have a part of the estate of the said deceased sold, and the proceeds invested in public lands, therefore:

Preamble

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That Colonel Vigo, and John Badollet, Esq. guardians of the said children, be, and they are hereby authorized and empowered to sell and convey to any person or persons, after sixty days notice has been given in one or more public newspapers in this state, for the highest and best price, a lot or parcel of land, in the borough of Vincennes, the brick house thereon, and the appurtenances thereto, or any part thereof, the same being a part of the estate of the said Samuel M'Kee, deceased, in such manner, and upon such terms and conditions as may be agreed and determined upon by the said guardians, and they are hereby authorized and empowered to make and*

Guardians to sell and convey

Notice

Terms



execute the necessary deed or deeds of conveyance, for securing unto the purchasers, the absolute fee simple of, and to the said lot or parcel of land, and the appurtenances thereto, or any part thereof, that may or shall be sold and purchased in manner as aforesaid.

Proceeds to  
be invested

SEC. 2. The proceeds of said sale hereby authorized, shall be invested in lands, for the exclusive benefit of the said children of the said Doctor Samuel M'Kee, deceased, and shall not be appropriated by the said guardians, by virtue of this authority to any other use whatever.

## CHAPTER XLVI.

*AN ACT to expedite the collection of debts due the state.*

APPROVED, January 20, 1820.

Delinquent  
sheriff to be  
prosecuted

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana,* That from and after the passage of this act, if any of the sheriffs of this state who have failed or shall hereafter fail to pay over to the Treasurer of state, on or before the second Monday of December annually, the taxes due from his county, to the state, agreeably to the provisions of an act, entitled "An act for assessing and collecting the revenue," approved, January the twenty-eighth, one thousand eight hundred and eighteen; it shall be the duty of the Auditor of public ac-

counts, to make out particular statements on oath, of the evidence of the claim or claims against such sheriff or sheriffs, and transmit the same to the prosecuting attorney, of the proper county, where such delinquent sheriff resides.

Auditor to  
make out ac-  
counts and  
transmit to  
prosecuting  
attorney

SEC. 2. The prosecuting attorney of the county to whom the claim or claims as aforesaid shall be transmitted, is hereby required so soon as he shall receive the statements of the evidence aforesaid, to give a written notice to the sheriff, against whom the claim or claims are transmitted, his security or securities, legal representative or representatives, for the full amount of such claim or claims, debts, dues and demands as aforesaid, on the second day of the next circuit court, to be holden for the county where such delinquent sheriff resides, which notice shall be served by the coroner of the county, at least ten days previous to the sitting of the court, and the statement as transmitted by the Auditor of public accounts to the prosecuting attorney, shall be taken and deemed as a sufficient evidence of the demand.

Prosecuting  
attorney to  
give notice  
of motion

To be served  
by coroner  
ten days be-  
fore court  
sitting

SEC. 3. If any of the securities of any sheriff, who shall be proceeded against, agreeably to the provisions of this act, shall not receive notice as herein provided, the same shall not delay judgment against those upon whom notice has been served, but the court shall proceed to give judgment against him, or them upon whom notice has been served: *Provided*, that judgment shall not in any

Securities  
not receiving  
notice

Not to delay  
judgment

Proviso



case be rendered against the security or securities of any sheriff unless the sheriff himself shall have been served with notice, agreeably to the provisions of this act: *provided*, any such delinquent sheriff shall be resident in the proper county, at the time of such notice as aforesaid, and on all judgments rendered under the provisions of this act, the same costs shall be taxed as heretofore.

Proviso

Costs

## CHAPTER XLVII.

*AN ACT to encourage the manufacturing of salt in this state.*

APPROVED, January 21, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the presiding Judge of each and every Judicial district within this state, on application being made to them to grant unto any person or persons, a lease on any salt spring, lick, or other place likely for salt to be made, within their respective districts, or in the lands lately purchased from the Indians, so soon as the state may have a right to occupy the same, agreeably to the acts of Congress, together with so much land as may be necessary for carrying said lease into effect, if the land be within the control of the state, for any time not exceeding five years, and on granting any lease, as aforesaid, it shall be the duty of the

Presiding  
judge to  
grant lease  
of salt springs

For term not  
exceeding 5  
years

Judge granting the same, to take from the person or persons so applying, a bond with sufficient security, payable to the Governor, and his successors in office, for the use of the state, for five hundred dollars, conditioned, that he or they will not destroy or injure any timber, more than what may be necessary for carrying into effect the conditions of such lease; which bond shall be filed by the Judge taking the same, in the office of the clerk of the circuit court, nearest where the lease is given, who shall receive from the person giving said bond, the sum of two dollars for his trouble in giving such lease: *Provided however*, that if the person or persons taking any lease, as aforesaid, do neglect or refuse to make the necessary preparations for making salt, within two years after the grant of such lease, then in that case, such lease or contract is hereby declared forfeited, and of no effect. *Provided also*, that the legislature shall always have the power of taking any salt spring or lick, into possession for the benefit of the state, on paying to such person or persons, a full compensation for all their necessary expence and trouble, in preparing such spring or lick for making salt, to be determined by six men, three to be chosen by the legislature, and three by the person or persons taking such lease.

Bond to be  
taken

Condition

Where to be  
filed

Fee

Proviso  
avoiding  
lease

Legislature  
may take po-  
session of  
lick



## CHAPTER XLVIII.

*AN ACT to establish a State Seminary, and for other purposes.*

APPROVED, January 20, 1820.

**Trustees appointed** SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That Charles Dewey, Jonathan Lindley, David H. Maxwell, John M. Jenkins, Jonathan Nichols, and William Lowe, be, and they are hereby appointed trustees of the state seminary, for the state of Indiana, and shall be known by the name and style of the trustees of the state seminary, of the state of Indiana, and they, and their successors in office, shall have perpetual succession, and by the name and style aforesaid, shall be able and capable in law, to sue, and be sued, plead, and be impleaded, answer, and be answered unto, as a body corporate and politic, in any court of justice: and the trustees hereby appointed, shall continue in office, until the first day of January, one thousand eight hundred and twenty-one, and until their successors are chosen and qualified.*

**Style**

**Perpetuated**

**Powers as a corporation**

**Continuance in office**

**When and where to meet** SEC. 2. The trustees aforesaid, or a majority of them, shall meet at Bloomington, in the county of Monroe, on the first Monday in June next, or so soon thereafter, as may be convenient, and being first duly sworn to discharge the duties of their office, shall repair to the reserved township of land in said county, which was granted by Congress to,

this state, for the use of a seminary of learning, and proceed to select an eligible and convenient site for a state seminary. To select a site for seminary

SEC. 3. It shall be lawful for the trustees hereby appointed, to appoint an agent, who shall give bond with security to be approved of by the trustees aforesaid, payable to the Governor and his successors in office, for the use of the state seminary aforesaid, in the sum of twenty thousand dollars, conditioned for the faithful performance of the duties of his office; and it shall be the duty of the agent aforesaid, after taking an oath of office, to proceed to lay off, and expose to sale, under the sanction of the trustees aforesaid, any number of lots, or quantity of land, within the reserved township, aforesaid, and contiguous to Bloomington, not exceeding one section, or six hundred and forty acres thereof. agent to give bond

**Penalty**

**Condition**

**Agents duties**

SEC. 4. It shall be the duty of the agent aforesaid, first to expose to sale, such lots as may be selected most contiguous to the site which may be selected for the seminary aforesaid, and take of the purchasers of any lots or lands which he may sell, under the provisions of this act, such payments and security therefor, as may be directed by the trustees aforesaid. What lots first to be sold

**Payments & securities**

SEC. 5. The trustees aforesaid, shall so soon as they deem it expedient, proceed to the erection of a suitable building for a state seminary, as also a suitable and commodious house for a Professor, on the site which may be selected by them for that purpose. Trustees to erect buildings



To report  
their pro-  
ceedings to  
the General  
Assembly

SEC. 6. The trustees aforesaid, shall within ten days after the meeting of the next General Assembly, lay before them a true and perfect statement of their proceedings so far as they have progressed under the provisions of this act, and a plat of the lots or lands laid off and sold, and the amount of the proceeds of such sales, and also a plan of buildings, by them erected, or proposed to be erected.

To give bond  
and security

SEC. 7. The trustees hereby appointed, shall before they enter upon the duties of their office, give bond and security, to be approved of by the Governor, in the sum of five thousand dollars, payable to the Governor and his successors in office, for the use of the state seminary, conditioned for the faithful performance of the duties of their office; and if any vacancy shall happen in the office of trustees, the governor shall fill such vacancy, by an appointment which shall expire on the first day of January next.

Condition

Vacancies  
filled

## CHAPTER XLIX.

*AN ACT making general appropriations for the year one thousand eight hundred and twenty.*

APPROVED, January 22, 1820.

Appropriation

SEC. 1. BE it enacted by the General Assembly of the State of Indiana, That the following sums be, and they are here-

by appropriated for the following purposes, to wit : For defraying the expenses of the present General Assembly, including pay to the members thereof, secretaries, clerks, door-keepers, sergeant at arms, stationary, ink, inkstands, fuel, printing, binding and distributing the laws and journals, making marginal notes and indices to the same, together with all other just and necessary expenses, which are or may be incurred, the sum of eight thousand five hundred dollars.

General Assembly, &c.

For the Executive department, the sum of two thousand two hundred dollars.

Executive

For the judiciary department, the sum of four thousand nine hundred dollars.

Judiciary

For the interest on the public debt, the sum of three thousand dollars.

Public debt

For defraying the contingent expenses of the government, for the year one thousand eight hundred and twenty, the sum of eight hundred dollars.

Contingencies

For the military department, including the salary of the Adjutant General, the sum of four hundred dollars.

Military

For defraying the premiums on wolf scalps unsatisfied, the sum of five hundred dollars.

premiums on wolf scalps

For defraying warrants not yet presented, in the judiciary department, eight hundred and seventy-five dollars.

certain warrants

This act to take effect and be in force from and after its passage.



## CHAPTER L.

*AN ACT to amend an act for the incorporation of the town of Lawrenceburgh, Dearborn county, passed 26, December, 1815.*

APPROVED, January 20, 1820.

Additional  
corporate ca-  
pacities  
given

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That from and after the passage of this act, it shall be lawful for the president, recorder, and freemen of the town of Lawrenceburgh, in their corporate name, to sue, and be sued, plead and be impleaded, answer and be answered unto, in all cases, wherein the said incorporation, may, shall, or have been concerned.*

Contracts  
rendered  
valid

SEC. 2. *And be it further enacted, That all contracts heretofore made, under the provisions of the act, to which this is an amendment, by the president, recorder and freemen, of the said town of Lawrenceburgh, with any person or persons, shall be valid to all intents and purposes, and shall be as obligatory on each of the contracting parties as if this act had been engrafted in the act, to which this act is an amendment.*

## CHAPTER LI.

*AN ACT to prevent extortion, and malicious mischief, and for other purposes.*

APPROVED, January 22, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That if any tavern keeper, or tavern keepers, by himself, herself, themselves, or by any other person authorized to act for him, her, or them, shall ask, demand, or receive, any greater price, or higher rates for any article, or articles, furnished by any tavern keeper, or tavern keepers, in the way of his, her, or their business, than is allowed by the board of county commissioners, according to the provisions of the act regulating taverns, approved January 28, 1818, or shall neglect for one whole day to set up in the most public room in his, her, or their house, a fair list of tavern rates, according to the provisions of the said act; every person or persons so offending, shall forfeit and pay a sum not exceeding fifty dollars, nor less than five dollars, for the benefit of county seminaries.*

Tavern keep-  
ers subject-  
ed to penal-  
ties

SEC. 2. *If any justice of the peace, or clerk of any of the circuit courts of this state, shall issue more than one subpoena, for any number of witnesses that may be called for at any one time, by any person lawfully authorized to call*

Clerks issu-  
ing subpoe-  
nas in certain  
cases guilty  
of extortion



for the same, with the intention to charge such person with the fees for issuing such extra subpoena, or subpoenas, every justice, or clerk, so offending, shall be deemed guilty of extortion, and punished accordingly.

persons com-  
mitting cer-  
tain mis-  
chiefs punishable

SEC. 3. If any person or persons, shall maliciously or mischievously break or enter any mansion house, or maliciously or mischievously stone any house, or break the windows thereof, or break or destroy the property of any person or persons, he, she, or they so offending, for every such offence, shall forfeit and pay a sum not exceeding one hundred dollars, at the discretion of the jury, due regard being had to the damage done.

Persons vio-  
lating a cer-  
tain law pena-  
lized

SEC. 4. If any person shall violate any of the provisions of the first section of the act to regulate taverns, approved, January 28, 1818, every person so offending, shall on conviction thereof, by presentment, or indictment, be fined not more than twenty dollars, nor less than two dollars, for the benefit of county seminaries.

## CHAPTER LII.

*AN ACT to amend an act, entitled " An act authorizing the granting of letters Testamentary, and letters of Administration, for the settlement of intestate estates, and for other purposes."*

APPROVED, January 20, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That* when any administrator or administrators, offer any lands for sale, agreeably to the provisions of the twenty-fifth or twenty-sixth sections of an act to which this is an amendment, and the same shall not be sold, the said administrator or administrators, shall be, and they are hereby empowered, to sell the same, at any time prior to the next sitting of the court who authorized the aforesaid sale: *Provided however,* that the said administrators, shall give ten days previous notice, by publicly advertising the proposed sale.

Administra-  
tors to reex-  
pose lands  
not sold

To give no-  
tice

SEC. 2. Where any person has departed, or shall depart this life, having in his life time purchased any lot or lots, in any town in this state, and shall not have paid the several instalments due, or which may become due thereon, and shall not have personal assets sufficient to pay the same, or leaving enough, but in such situation, that they cannot be applied in time to such payments, it shall be lawful for the executor or administrator, of such decedent, to sell

Administra-  
tors author-  
ized to sell  
lots in cer-  
tain cases



the said lot or lots, in the same manner, and subject to like rules, as are provided in the twenty-sixth section of the act to which this is an amendment, in relation to the sale of lands entered in any of the land offices in this state, and not paid for.

Intestates estate to be appraised

Oath of appraisers

SEC. 3. It shall be the duty of the administrator or administrators, of the estate of any decedent, within this state, to summon three disinterested freeholders, to appraise the personal estate of their intestate, and exhibit the same to the associate Judges of the proper county: *Provided*, that before the said freeholders shall enter upon their duty, they shall take an oath faithfully and to the best of their judgment, to appraise the said personal estate of the said decedent; and the said appraisers shall be allowed one dollar each for their services, to be paid out of the estate of said decedent.

Certain grants of letters testamentary legalized

Powers of circuit courts relative thereto

SEC. 4. That in all cases where the circuit courts of this state, may have granted letters of administration, or letters testamentary, to either or both of the associate Judges of any of the circuit courts of this state, as executors or administrators, the same is hereby legalized, to all intents and purposes; and the said circuit courts, are hereby authorized to proceed to do all acts necessary to carry into effect the objects of such letters testamentary, or letters of administration, in the same manner that probate courts are by law now authorized to do.

SEC. 5. That whenever hereafter, one or both of the associate Judges, are

concerned as executors, administrators, or guardian of any infant, whose estate, they or either of them, are alone authorized by the existing law to settle the same, shall be settled by the circuit court, in term time, in the same manner and under the same rules and regulations, as is prescribed by the act to which this is an amendment.

circuit courts authorized to settle certain estates

This act to take effect and be in force from and after its publication.

## CHAPTER LIII.

*AN ACT to settle and adjust differences respecting the seat of justice in the county of Wayne, as herein named.*

APPROVED, January 21, 1820.

WHEREAS difficulties exist in the county of Wayne, relative to the established seat of justice for said county, for remedy whereof:

Preamble

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That Caleb Garrett, of Washington county, Adam Davis, of Orange county, William Lowe, of Monroe county, Samuel Carr, of Clark county, and Jesse Durham, of Jackson county, be, and they are hereby appointed commissioners for the purpose of settling the difficulties aforesaid, whose duty it shall be to meet at the court-house in Centreville, on the first*

Commissioners appointed

When and where to meet



Duties

Monday of April next, whose duty it shall be to take into consideration all laws, acts, or parts of acts, which have heretofore been enacted, relative to the formation of the said county of Wayne, and relative to the seat of justice of said county, as well as all laws, and parts of laws, in any manner connected with or which may directly, indirectly, or collaterly have any bearing on the situation of the seat of justice of the said county of Wayne; but it is to be particularly understood, that it is the meaning of this act, that so much of the county of Randolph, as shall have been detached from the said county of Wayne, since the erection of said county of Wayne, shall not be considered by the said commissioners, so as to have any effect in the said decision so to be made by said commissioners, and it is further provided, that all that part of the county of Wayne, which has heretofore been detached from the said county of Wayne and attached to or organized into the county of Fayette, shall be considered by the said commissioners as a part of the said county of Wayne, and shall be entitled to a full weight in the consideration of said commissioners, in the same manner that it would or ought to be, provided the same had never been detached from the said county of Wayne, but was forever hereafter to be and remain a part of the said county of Wayne.

Construc-  
tion of this  
actProviso as to  
part of Fay-  
ette county

SEC. 2. It shall be the duty of the said commissioners, not only to take into consideration all previous laws and

parts of laws as aforesaid, but also all testimony whether written or oral, as well as all other documents or other testimony, which may be submitted to them, which they may consider calculated to elucidate said subject, or throw any light thereon: *Provided, however,* that the said commissioners, shall not admit any argument on said subject by any attorney or counsellor at law on either side of the question.

Testimony  
written and  
oral to be  
considered

Proviso

SEC. 3. The said commissioners, or a majority of them, when met for that purpose as aforesaid, shall take an oath or affirmation, before some person legally authorized to administer the same, well, truly and faithfully to discharge the duties enjoined on them by this act, and thereupon shall proceed to hear, determine and decide the matter and things in controversy as aforesaid, agreeably to the true intent and meaning of this act, and shall thereupon make their report in writing, in which they shall declare whether the said seat of justice for Wayne county, is, or of right ought to be in the town of Centreville, or whether the said seat of justice, is, or of right ought to be in the town of Salisbury, which report shall be filed in the office of the clerk of the circuit court of said county, a copy of which shall also be filed and recorded in the office of the recorder of said county, and the place so declared to be the seat of justice, for the said county of Wayne, shall forever hereafter be held, deemed, and considered the permanent seat of justice in and for the said county of Wayne,

Commission-  
ers to take  
oathTo hear and  
determine

Make report

To be filed

Seat to be  
permanent



any thing in the provisions of any laws which have heretofore been in force on that subject, to the contrary notwithstanding: *Provided also*, that the said commissioners shall not receive any donation or donations, from any person or persons whatever, by way of inducement to the establishment of the seat of justice in either of the before mentioned places.

SEC. 4. It shall be the duty of the aforesaid commissioners, on being furnished with a copy of this act, to repair to the said county of Wayne, at the time and place herein before designated, without any other notice whatever, and it shall be the duty of the board of commissioners for the said county of Wayne, to allow and cause to be paid to the commissioners aforesaid, the sum of three dollars per day, for each and every day they may be necessarily employed in said investigation, and in travelling to and returning from the same, to be allowed and paid out of the funds of said county.

This act to be in force and take effect from and after its publication in the Indiana Gazette.

Proviso

Commissioners duty

County commissioners to allow compensation

## CHAPTER LIV.

*AN ACT attaching the new purchase to the counties therein named, and for other purposes.*

APPROVED, January 20, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana*, That all that part of the new purchase, lately acquired from the Indians, lying east of a line drawn due north, from the south west corner of Franklin county, until it intersects the southern boundary of Fayette county, be, and the same is hereby attached to Franklin county, and from henceforth shall be held and considered an integral part of the said county of Franklin; and all that part of the aforesaid new purchase, which lies east of a due north line, drawn from the north west corner of Randolph county, and north of said Randolph county, be, and the same is hereby attached to the said county of Randolph, and from henceforth shall be held and considered an integral part of Randolph county; and all that part of the aforesaid new purchase, lying south of a line drawn due west, from the line dividing the Grouseland purchase, from the said new purchase, through the centre of town eight, until it intersects the range line dividing ranges six and seven, (east of the second principal meridian) and east of said range line, be, and the same is hereby attached to Jennings county, and

New purchase

Attached to Franklin county

To Randolph

To Jennings



from henceforth shall be held and constitute an integral part of the said county of Jennings.

Delaware  
county

SEC. 2. That all the remaining part of the said new purchase, lying east of the second principal meridian, except so much of it as has been attached to the counties of Fayette, Jackson, and Wayne by former laws, and except so much of it as is attached by the first section of this act, to the counties named therein, be, and the same is hereby formed into a new county, to be known by the name of Delaware, and all that part of the said new purchase, lying west of the second principal meridian, be, and the same is hereby formed into a new county, to be known by the name of Wabash.

Wabash

Concurrent  
jurisdiction  
of Vigo,  
Owen, and  
Monroe  
Of Jackson,  
&c

SEC. 3. That the counties of Vigo, Owen, and Monroe, shall have concurrent jurisdiction, in all civil cases throughout the said county of Wabash, and the counties of Jackson, Jennings, Ripley, Franklin, Fayette, Wayne, and Randolph, shall have concurrent jurisdiction throughout the said county of Delaware in all civil cases.

Appointment  
of censor

SEC. 4. That John Vawter, be, and he is hereby appointed to take the census of all the white male inhabitants above twenty one years of age, within said counties of Wabash, and Delaware, and return a list of the same to the office of secretary of state, on or before the second Monday in November next.

## CHAPTER LV.

*AN ACT locating certain permanent roads therein named, and for other purposes.*

APPROVED, January 22, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That* Israel T. Canby, of the county of Jefferson, and John Vawter and William C. Bramwell, of the county of Jennings, be, and they are hereby appointed to view, locate, and lay out, a permanent road in the nearest direction and on the best ground from the town of Madison, in the county of Jefferson, to the town of Vernon, in the county of Jennings, thence to the site that may be selected for the seat of government for the state of Indiana.

Appointment  
to lay off road  
from Madison  
to Vernon

And to seat  
of govern-  
ment

SEC. 2. The said commissioners shall meet in the town of Madison, on the first Monday in April next, and after taking an oath or affirmation, faithfully and impartially to discharge the duties enjoined on them by this act, shall as soon thereafter as may be convenient, proceed to lay out, and mark said road, so as to identify the same, which road shall remain unalterable, and shall be improved and kept in good repair by the county commissioners, in the same manner that other public roads are, which said road may be opened any width, not exceeding seventy feet.

When and  
where to  
meet

Road to be  
laid out and  
marked

Width

SEC. 3. That Jesse Hunt, of Dearborn county, Edward Toner, of Franklin



Appointment  
to lay out  
road from  
Lawrence-  
burg to  
Brookville

Thence to  
Connersville  
Waterloo  
Centreville  
Winchester

When and  
where to  
meet

Commission-  
ers to lay out  
road from  
Ohio line to  
Brookville

Thence to  
seat of gov-  
ernment

county, James Craig, of Fayette county, Isaac Julian, of Wayne county, and John Wright of Randolph county, be, and they are hereby appointed commissioners to view, locate and lay out, a permanent road, in the nearest direction, and on the best ground, from the town of Lawrenceburg, in the county of Dearborn, to the town of Brookville, in the county of Franklin, thence to the town of Connersville, in the county of Fayette, thence to the town of Waterloo, in Wayne county, thence to the town of Centreville, in the county of Wayne, and thence to the town of Winchester, in the county of Randolph; and the aforesaid commissioners, shall meet at the house of Joseph H. Coburn, in said town of Lawrenceburg, on the first Monday of May next, and after taking an oath or affirmation, faithfully to discharge the duties enjoined them, shall proceed to discharge the same, in the same manner as is enjoined on the commissioners, by the first and second sections of this act.

SEC. 4. That Matthew Sparks, Robert Luce, Hezekiah Mount, of Franklin county, be, and they are hereby appointed commissioners to lay out a road, beginning on the line dividing this state, and the state of Ohio, at the point where the state road leading from Hamilton, in the state of Ohio, to Brookville, in the state of Indiana, strikes the same, thence to Brookville, thence the nearest and best way, to the site that may be selected for the seat of government for the state of Indiana; and the said com-

missioners shall meet on the first Monday in April next, in the town of Brookville, and in the discharge of the duties hereby enjoined on them, they shall be governed in all respects agreeably to the provisions of this act.

When and  
where to  
meet

SEC. 5. That Benjamin J. Blyth, and Lemuel Moss, of Dearborn county, and Wilson A. Stewart, of Ripley county, be, and they are hereby appointed commissioners to locate and lay out a permanent road from the town of Lawrenceburg, in the county of Dearborn, to Napoleon, in the county of Ripley, thence to the site that may be selected for the seat of government for the state of Indiana; and it shall be the duty of the said commissioners, to meet at the town of Lawrenceburg, in Dearborn county, on the last Monday of April next, and after taking an oath or affirmation, faithfully to discharge the duties enjoined on them by this act, shall be governed in all respects by the provisions contained in this act.

Commission-  
ers to lay out  
road from  
Lawrence-  
burg to Na-  
poleon

Thence to  
the seat of  
government

When and  
where to  
meet

SEC. 6. Jonathan Lyon and Henry Dewalt, of Washington county, Charles Paxon, and John K. Graham, of the county of Floyd, and James Packwood, of the county of Clark, are hereby appointed commissioners to locate and lay out a permanent road from the town of New Albany, in the county of Floyd, to Salem, in the county of Washington; and it shall be the duty of the commissioners aforesaid, or a majority of them, to meet in New Albany, in the county of Floyd, on the second Monday of May next, and after taking an oath or affir-

Commission-  
ers to lay out  
road from  
New Albany  
to Salem

When and  
where to  
meet



mation, for the faithful discharge of the duties of their office, shall proceed to view, lay out, and locate said road, agreeably to the provisions of the first and second sections of this act.

SEC. 7. Joseph Bartholomew, and John Norris, of the county of Clark, and William Naylor, and Jonas Crane, of the county of Jackson, be, and they are hereby appointed commissioners to view, lay out, and locate, a road from M'Donald's ferry, on the Ohio river, in the county of Clark, to Brownstown, in the county of Jackson, and from thence to the permanent seat of government of Indiana; and the commissioners aforesaid, or a majority of them, shall meet at M'Donald's ferry, in the county of Clark, on the fourth Monday of August next, and after taking an oath or affirmation, for the faithful discharge of the duties of their office, shall proceed to view, lay out, and locate said road, and shall be governed in all respects by the provisions of this act.

SEC. 8. William Plaskett, and William Montgomery, of the county of Clark, and Alexander C. Craig, of the county of Jackson, and Jacob Cutler of the county of Scott, be, and they are hereby appointed commissioners to view, lay out, and locate a road from Bethlehem, in the county of Clark, to Brownstown, in the county of Jackson, by the way of the seat of justice of Scott county; and the commissioners aforesaid, or a majority of them, shall meet at Bethlehem, in the county of Clark, on the third monday of May next, and

Commissioners to lay out road from M'Donalds ferry to Brownstown

Thence to seat of government

When and where to meet

Commissioners to lay out road from Bethlehem to Brownstown

The seat of justice of Scott county

When and where to meet

after having taken an oath, for the faithful discharge of the duties of their office, shall proceed to lay out, locate and establish said road, and shall be governed in all respects agreeably to the provisions of this act.

SEC. 9. Abel C. Pepper, and John Watts, of Dearborn county, and Joseph Bently, of Ripley county, be, and they are hereby appointed commissioners, to view, lay out, and locate a road from the town of Rising Sun, in the county of Dearborn, to the town of Versailles, in the county of Ripley; and the commissioners aforesaid, or a majority of them, shall meet at the house of Caleb A. Crafts, in the town of Rising Sun, in the county of Dearborn, on the fourth monday of May next, and after having taken an oath or affirmation, for the faithful discharge of the duties of their office, shall proceed to view, lay out, and locate said road, and shall be governed in all respects by the provisions of this act.

SEC. 10. William A. Beatty, and John Kindred, of Jackson county, and John Griffith, of Monroe county, are hereby appointed commissioners to view, locate, and mark out a road from Brownstown, in the county of Jackson, to Bloomington, in the county of Monroe; and the commissioners aforesaid, or a majority of them, shall meet at the town of Brownstown aforesaid, on the fourth monday of May next, and after taking an oath or affirmation, faithfully to discharge the duties of their office, shall proceed to lay out, and locate said road,

Commissioners to lay out road from Rising Sun to Versailles

When and where to meet

Commissioners to lay out road from Brownstown to Bloomington

When and where to meet



and shall be governed in all respects by the provisions of this act.

SEC. 11. Nathaniel B. Palmer, and Henry Ristine, of the county of Jefferson, John Blair, and Alexander C. Craig, of the county of Jackson, are hereby appointed to view, locate, and lay out a road from the town of Madison, in the county of Jefferson, to Brownstown, in the county of Jackson, and the said commissioners, or a majority of them, shall meet at the town of Madison, on the first monday of June next, and after taking an oath or affirmation, for the faithful discharge of the duties of their station, shall proceed to view, locate, and lay out said road, and they shall be governed in all respects by the provisions of this act.

Commission-  
ers to lay out  
road from  
Madison to  
Brownstown

When and  
where to  
meet

SEC. 12. James Starke, of Spencer county, Zachariah Skelton, of Warrick county, and Isaac Montgomery of Pike county, are hereby appointed commissioners to view, locate, and lay out a road from Rockport, in the county of Spencer, by the Poke-patch, in the county of Warrick, to Vincennes, in the county of Knox; and the said commissioners, or a majority of them, shall meet at the town of Rockport, aforesaid, on the second monday of June next, and after taking an oath or affirmation, for the faithful discharge of the duties of their station, shall proceed to locate, and lay out said road, and they shall be governed in all respects by the provisions of this act.

Commission-  
ers to lay out  
road from  
Rockport to  
Vincennes.

When and  
where to  
meet

SEC. 13. James B. Slaughter, and John Hurst, jun. of the county of Har-

rison, and Marston G. Clark, of the county of Washington, are hereby appointed to view, locate and lay out a permanent road from Corydon, in the county of Harrison, to Salem, in the county of Washington; and the said commissioners, shall meet at the town of Corydon, in the county of Harrison, on the first monday of May next, and after taking an oath or affirmation, faithfully to discharge the duties of their office, shall proceed to locate and lay out said road, and shall be governed in all respects by the provisions of this act.

Commission-  
ers to lay out  
road from  
Corydon to  
Salem

When and  
where to  
meet

SEC. 14. Nathaniel Holcroft, and Armstrong Brandon, of the county of Harrison, and Alex. B. M'Cray of the county of Crawford, and Henry Hopkins, of Pike county, are hereby appointed commissioners to view, locate and lay out a road from New Albany in the county of Floyd, to Corydon, in the county of Harrison, thence to Mount Sterling, in the county of Crawford, thence in the nearest and best route to Princeton, in the county of Gibson; and the said commissioners shall meet at the town of New Albany aforesaid, on the second monday of May next, and after taking an oath faithfully to discharge the duties assigned them, shall proceed to discharge the same, and shall be governed in all respects by the provisions of this act.

Commission-  
ers to lay out  
road from  
New Albany  
to Corydon

Thence to  
Mount Ster-  
ling  
Princeton

When and  
where to  
meet

SEC. 15. Thomas Boicout, of the county of Jefferson, and Wilson Buchanan, and John Richey, of the county of Ripley, are hereby appointed commissioners

Commission-  
ers to lay out  
road from



Madison to  
Versailles

When and  
where to  
meet

to view, lay out and locate a road from Madison, in the county of Jefferson, to Versailles, in the county of Ripley; and the commissioners hereby appointed, shall meet at Madison, in the county of Jefferson, on the first monday of June next, and having first taken an oath or affirmation faithfully to discharge the duties of their office, shall proceed to view, lay out and locate said road, and shall be governed in all respects by the provisions of this act.

Commission-  
ers to lay out  
road from  
Vevay to  
Versailles

When and  
where to  
meet

SEC. 16. John Gilleland, and Jonas Baldwin, of the county of Switzerland, and Joseph Bentley, of the county of Ripley, be, and they are hereby appointed commissioners to view, lay out and locate a road from Vevay, in the county of Switzerland, to Versailles, in the county of Ripley; and the commissioners aforesaid, shall meet at Vevay, in the county of Switzerland, on the first monday of April next, and after having taken an oath for the faithful discharge of the duties of their office, shall proceed to view, lay out and locate said road, and shall be governed in all respects by the provisions of this act.

Commission-  
ers to lay out  
road from  
Evansville to  
Princeton

SEC. 17. John M. Dunham, of the county of Vanderburgh, William Harrington, and William Barker, of the county of Gibson, are hereby appointed commissioners to view, locate and lay out a road in the nearest direction, and on the best ground from the north end of main street in the town of Evansville, in the county of Vanderburgh, through Sandersville, thence through the main street in Princeton, thence to

White River; and it shall be the duty of the commissioners herein named, to meet in the aforesaid town of Evansville, on the first monday in April next, and after taking an oath or affirmation, for the faithful discharge of the duties of their office, shall proceed to view, locate and lay out said road, and the said commissioners shall be governed in all respects by the provisions of this act.

Thence to  
White river  
When and  
where to  
meet

SEC. 18. That Zachariah Skelton, and John Luce, of Warrick county, and Samuel Scott, of Vanderburgh county, be, and they are hereby appointed commissioners to view, lay out and locate a road from the Poke-patch, in the county of Warrick, through Boonville in Warrick county, Sandersville, in Vanderburgh county, and Springfield in Posey county, the nearest and best route to Harmony; and the commissioners hereby appointed, shall meet at Booneville, in the county of Warrick, on the fourth monday of May, and after taking an oath for the faithful performance of the duties of their office, shall proceed to view, lay out, locate, and establish said road, and shall be governed in all respects by the provisions of this act.

Commission-  
ers to lay out  
road from  
Poke patch  
through  
Boonville

Springfield  
To Har-  
mony  
When and  
where to  
meet

SEC. 19. That Robert Morrison, David P. Fleming, and John McKee, of the county of Wayne, be, and they are hereby appointed commissioners to view, mark out and report a road, commencing at the house of Peter Flemmings, on the line dividing the state of Ohio, and this state, running thence on a westerly course to the town of Richmond, thence to Salisbury, thence to Centre-

Commission-  
ers to lay out  
road from  
Ohio line

To Richmond  
Salisbury &  
Centerville



To west  
boundary of  
Wayne

When and  
where to  
meet

Commission-  
ers to lay out  
road from  
Charlestown  
to Corydon

When and  
where to  
meet

Commission-  
ers to lay out  
road from

Brookville  
to Versailles  
to Vernon  
When and  
where to  
meet

ville, thence parallel with the lines of the surveys west, to the extreme western boundary line of the county of Wayne; that the commissioners hereby appointed, shall convene at the house of Peter Flemmings, on the first monday of June next, and having taken an oath or affirmation, faithfully to discharge the duties hereby enjoined upon them, shall proceed to the performance of their duty, and shall in every respect be governed by the provisions of this act.

SEC. 20. John Harbeson, of the county of Harrison, Absalom Little, and John Lopp, of the county of Clark, be, and they are hereby appointed commissioners to select, lay out and locate a road from Charlestown, in the county of Clark, to Corydon, in the county of Harrison; who shall meet in Charlestown, on the last monday in May next, and after taking an oath for the faithful discharge of the duties of their office, shall proceed to lay out, mark and locate said road, in doing which they shall in all respects be governed by the provisions of this act.

SEC. 21. That John Quik, of Franklin county, and William Wilson, of Ripley county, and Samuel Campbell of Jennings county, be, and are hereby appointed commissioners to view a road from the town of Brookville, Franklin county, thence to Versailles, in Ripley county, thence to Vernon, in Jennings county; to meet on the first monday of May next, at Brookville, and proceed to discharge the duty of their office as soon thereafter as convenient, to be

governed in every respect agreeably to the provisions of this act.

SEC. 22. Absalom Little, of Floyd county, Robert Robertson, of the county of Clark, and Achilles Vawter, of the county of Jennings, and James Ward, of Scott county, be, and they are hereby appointed commissioners to view, lay out, locate and establish a permanent road from New Albany, in the county of Floyd, to Charlestown, in the county of Clark, and from thence to the seat of justice of Scott county, and from thence to Vernon, in the county of Jennings; and the commissioners hereby appointed, shall meet at New Albany, on the first monday of June, and after taking an oath for the faithful performance of the duties of their office, shall proceed to view, lay out, locate and establish said road, and shall be governed in all respects agreeably to the provisions of this act.

SEC. 23. David M. Hale, of the county of Floyd, James Gregory, of Lawrence county, and Roderick Rollins, of Monroe county, are hereby appointed commissioners to view, locate and lay out a road from New Albany, in Floyd county, by the way of Palestine, in Lawrence county, to Bloomington, in Monroe county; and it shall be the duty of the said commissioners herein named, to meet in the aforesaid town of New Albany, on the third monday in May next, and after taking an oath or affirmation faithfully to discharge the duties of their said appointment, shall proceed to view, locate and lay out said

Commission-  
ers to lay out  
road from  
New Albany  
to Charles-  
town

Thence to  
the seat of  
justice of  
Scott county  
to Vernon

When and  
where to  
meet

Commission-  
ers to lay out  
road from  
New Albany  
through  
Palestine  
to Bloomington

When and  
where to  
meet



road, and shall be governed in every respect agreeably to the provisions of this act.

Commission-  
ers to lay ou  
road from  
New Albany  
to Freder-  
icksburg

to Paoli

Hindostan

When and  
where to  
meet

Commission-  
ers to lay ou  
road from  
Ohio line to  
Fairfield

Connersville  
And to seat  
of govern-  
ment  
When and  
where to  
meet

SEC. 24. That John Eastburn, of Floyd county, and John G. Clendenen, and Jonathan Lindley of Orange county, and Frederick Sholts, of Martin county, be, and they are hereby appointed commissioners to view, lay out and locate a road from New Albany, in Floyd county, thence to Fredericksburg, thence to Abraham Bosley's, thence to Paoli, in Orange county, thence to Hindostan, on the east fork of White river; and the commissioners hereby appointed, shall meet at New Albany, on the second monday of May, and after taking an oath faithfully to discharge the duties of their office, shall proceed to locate and establish the said road, and shall be governed in all cases by the provisions of this act.

SEC. 25. That Edgehill Burnside, Robert Swan, and Morris M'Cray, are hereby appointed commissioners to view, lay out and locate a road from that point on the line between the state of Ohio, and this state, where the road from Eaton, in Preble county, in the state of Ohio, to Fairfield, in Franklin county, in this state, crosses said line, thence to Connersville, in Fayette county, in this state, and thence to the site that may be fixed on for the seat of government; to meet on the second monday in April, at the town of Dunlapsville, and after having taken an oath faithfully to perform the duty assigned

them, to proceed to lay out said road pursuant to the provisions of this act.

SEC. 26. Jonathan Carter, and James Ward, of Scott county, John Parr, and James M'Kinney, of Washington county, and Joseph W. Doke, of Orange county, are hereby appointed commissioners to meet at New London, on the Ohio river, on the first monday in June next, and proceed to view and lay out a permanent road from the town of New London, to the county seat in Scott county, thence to Salem, Washington county, thence to Paoli, Orange county, and shall be governed in all respects agreeably to the provisions of this act.

Commission-  
ers to lay out  
road from  
New London  
To seat of  
justice of  
Scott county  
When and  
where to  
meet

SEC. 27. If the commissioners hereby appointed, shall fail or neglect to attend on the days, and at the places appointed, they shall meet on any other day which may be agreed upon by said commissioners, or a majority of those who attend.

Commission-  
ers failing to  
meet may  
convene at  
any other  
time

SEC. 28. Each county Surveyor, shall go with, and attend the commissioners named in the foregoing sections of this act, throughout their respective counties, and shall run such lines, and perform such services connected with the duties of their office, as the said commissioners may respectively require.

County Sur-  
veyor to at-  
tend Com-  
missioners

SEC. 29. The aforesaid commissioners mentioned in the several sections of this act, or a majority of them, having met, viewed, laid out and marked said roads agreeably to the provisions of this act, the same shall be, and remain permanent.

Roads to be  
permanent

SEC. 30. The aforesaid commission-



Commissioners to make report

To be filed with secretary of state

Certified copies to be filed in the several clerk's offices  
The clerks to record the same

County commissioners to cause roads to be opened

Width

Allowance to Commissioners and Surveyors

ers, or a majority of them, shall immediately after completing the location and marking out of the aforesaid roads, make out correct reports of the same at full length, and cause the same to be filed within sixty days thereafter, in the office of the Secretary of State, and shall moreover cause certified copies of their said reports to be filed in the several offices of each of the clerks of the Circuit Courts, in the several counties through which the aforesaid roads may pass, within twenty days thereafter, and it shall be the duty of each of the clerks aforesaid, within ten days after the reception of the same, to record the same in a book, in which is recorded the proceedings of the respective boards of County commissioners.

SEC. 31. It shall be the duty of the several boards of county commissioners in each of the counties through which either of the aforesaid roads may pass, at their first meeting after said roads may be laid out, marked and reported as aforesaid, to cause the same to be opened, if they shall deem it necessary any width not exceeding seventy feet, and made agreeably to, and under the provisions of the several acts which now are, or hereafter may be in force in this state, for the opening and repairing of public roads and highways.

SEC. 32. The said commissioners, in the several sections of this act named, shall be allowed one dollar per day, each, and the said surveyors, shall be allowed the sum of two dollars per day each, for their services, to be paid by

subscriptions to be raised within the counties through which the said roads may run, *Provided*, nothing in this act, shall be so construed as to compel the attendance of either the viewers or county surveyors, unless they are notified by one or more of the county commissioners of the county, where they may respectively reside, that a sufficient sum has been subscribed by freeholders of the county, to defray the expences as allowed by this section.

SEC. 33. The different boards of county commissioners, in the several counties of this state, through which either of the aforesaid roads may pass, shall have full power, and they are hereby authorized to receive such private donations, as may be offered for the better improvement of said roads, and to cause the same to be laid out on said roads, within their respective counties, in such manner as they may deem most proper.

SEC. 34. If any person or persons through whose land either of the aforesaid roads may run, shall consider himself, herself, or themselves aggrieved by the opening of either of the aforesaid roads, through his, her, or their land, he, she, or they, shall have the same remedy that persons now have or may hereafter have, in a similar situation, under such laws as now are, or hereafter may be in force in this state, for the opening of public roads and highways, and the same damages, if any assessed, shall be paid out of the county treasury, in the several counties, as in other cases. *Provided however*, that nothing in this act

Provide as to attendance of Viewers and Surveyors

County commissioners may receive donations for improvement of said roads

Remedy of persons aggrieved by opening road

Damages how paid



Road not to  
be changed

shall be so construed, as to authorize any person or persons through whose land either of the aforesaid roads may run, to turn, alter or change the same in any way whatever.

No priority  
as to three  
per cent fund

SEC. 35 Nothing in this bill shall be so construed, as to give in any manner whatever, to any of the roads which are established by it, a priority of claim to any portion of the three per cent fund, nor in any manner whatever to prevent an equal appropriation of the said fund to the several districts or divisions of territory to be hereafter equitably established in this state.

Direction as  
to printing

SEC. 36. That the person authorized to print the acts and joint resolutions of the present General Assembly of the state of Indiana, shall print the act, entitled "An act locating certain permanent roads therein named, and for other purposes," in pamphlet form separate and apart from the acts and joint resolutions of the present session, and the printers as aforesaid, shall print seventy copies thereof, two of which shall be transmitted to the several seats of justice in this state, at the same time and in the same manner that is prescribed for distributing of the laws of the present session of the General Assembly.

Distribution

## CHAPTER LVI.

*AN ACT to amend an act entitled "An act subjecting real and personal property to execution," approved 7th January, 1818.*

APPROVED, January 18, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That in all cases when execution shall issue against the goods, chattles, lands, tenements or hereditaments, of any person or persons, company, body corporate or politic, executor or executors, administrator or administrators, on any judgment hereafter to be rendered, in any court within this state, it shall be the duty of the sheriff, or other officer, whose duty it shall be to execute the same, to call an inquest of five respectable freeholders, and the inquest shall on oath or affirmation, to be administered by said officer, return to said officer under their hands and seals, an estimate of the real value of said property, upon actual view thereof, within ten days after such view, and the said officer on receiving such return, shall forthwith deposit a copy with the clerk of the court where such writ issued, or with the officer who issued the same, and cause public notice to be given of the time and place of sale, either by publishing the same, in a newspaper printed within his county, or by advertising the same in three of the most*

On execution  
issued and  
levied

Sheriff to call  
inquest

Who shall  
value the  
property

Copy thereof  
to be filed  
with clerk

Notice of sale  
to be given



public places within the township in which such sale is to be made, at least ten days before such sale, and if any sale shall be made by any sheriff, or other officer, without notice having been given as aforesaid, the officer making such sale, shall be liable to the action of the defendant or defendants, and of every other person injured thereby; *Provided*, that no property taken in execution, shall be sold for less than two thirds of the returned value of the inquest, *Provided however*, that nothing in this act shall be so construed, as to prevent the collection of any sum of money, according to the present existing laws in this state, where the contract on which any judgment or execution may be had, shall have been made for specie or land office money, and which shall have been so expressed by the word "specie," or by the words "land office money," in such contract. *Provided also*, that the property levied on by the sheriff, or other officer, on any execution issuing on any judgment to be obtained in any of the circuit or supreme courts of this state, shall be released, if the defendant will enter into a replevin bond, with sufficient freehold security for the payment of the debt, interest and costs, in one year from the rendition of the judgment, which bond shall be filed in the office whence the execution issued, and shall have the same force and effect as judgments now have in binding real property, and on which bond execution may issue after the same becomes due, as executions

Sale without notice officer liable

Property not to be sold for less than two thirds value

proviso as to special contracts

Property to be released on replevy made

For one year

Bond to be filed

Effect thereof

now issue on replevin bonds, made payable in five months after the rendition of judgment, and the same proceedings may be had thereon, any thing to the contrary in this act notwithstanding.

SEC. 2. *And be it further enacted*, That in case the goods, chattles, lands, tenements, or hereditaments, seized and taken in execution, shall not on being exposed to sale, produce the amount of the debt, damages and costs, due thereon, it shall and may be lawful for the sheriff, or other officer, by another writ to seize and take any other goods, chattles, lands, tenements or hereditaments, and thereupon, without any writ of venditioni exponas, to make public sale thereof, agreeably to the provisions of this act, and upon such sale, the sheriff or other officer, shall make return thereof, endorsed, or annexed to the said writ of execution, and give the buyer a deed, duly executed, and acknowledged, for what is sold; but in case the property so taken in execution, cannot be sold for two thirds of its appraised valuation, as aforesaid, then the officer shall make return upon the writ of execution, that he exposed such property to sale, and the same remained upon his hands unsold for the want of buyers, which return shall not make the sheriff, or other officer liable to answer the debt or damages contained in such writ of execution, but the writ of venditioni exponas, shall be issued at the request of the plaintiff, directed to the proper officer, commanding him to proceed again to advertise and expose to sale,

In case property seized does not sell

Other property may be seized and sold

Sheriff to give buyer a deed

Return to be made if property does not sell for two thirds its value

Venditioni exponas to be issued



Proviso as to  
personal prop-  
erty

Replevy for  
one year

Execution to  
issue on bond

Property to  
be sold to the  
highest bid-  
der

Real prop-  
erty not to be  
sold for less  
than two  
thirds value

Defendant  
may set  
apart a por-  
tion of his  
real estate to  
discharge  
execution

such goods, chattles, lands, tenements,  
or hereditaments, as above directed:

*Provided*, that where any personal property shall be levied upon, and offered for sale, under the provisions of this act, if it does not sell for two thirds of the appraised value thereof, it shall be lawful for the defendant to receive said property, by giving bond and security, which shall be approved of by the officer who executes said property, for the payment of said debt, interest and cost, within one year from the date of the return of such execution, which bond shall be filed in the office of the clerk of the circuit court, or in the office of the justice of the peace, from which such execution issued, on which bond execution shall issue, as on replevin bonds in other cases, and the property taken on such execution, issuing on the replevin bond, so given as aforesaid, shall be sold to the highest bidder, for the best price which can be obtained for the same; *Provided*, nothing in this act shall be so construed as to authorize any sheriff, or other officer, to whom any execution shall be directed to sell real property for a less sum than two thirds of its appraised value, to be ascertained in the manner as prescribed in the first section of this act.

SEC. 3. *And be it further enacted*, That the defendant shall have the privilege of setting apart to the sheriff or other officer who may have an execution against him, or to the inquest, at the time of appraisal, such part of his real estate, as may be sufficient, and as near the

value as may be, to satisfy such execution or executions (if the whole is not necessary) as he may choose, *provided*, the same be sufficient to discharge the execution or executions, and costs, agreeably to the provisions of the first section of this act, and it is further provided, that the plaintiff shall have the privilege of taking the property so set apart, at two thirds of its valuation, in discharge of his demand, or such part thereof, as he shall think proper, at its appraised value, which shall be endorsed on the execution, and the sheriff, or other officer, to whom the execution is directed, is hereby authorized and empowered, to make a deed to the plaintiff for the property so taken, in the same manner as if the property had been offered by the sheriff or other officer at public sale, and purchased by the plaintiff; *Provided*, no property shall be so taken by the plaintiff, unless the same has once been offered at public sale, agreeably to the foregoing provisions of this act.

SEC. 4. *And be it further enacted*, when execution issues from a justice of the peace, and on return of such execution, it appears the property so executed, would not bring two thirds of its appraised value, for want of buyers, there shall be a stay of execution for one year, from the date of the return of such execution, provided, the plaintiff does not choose to take the property at two thirds of its valuation, and security, approved of by the justice, being entered,

Plaintiff may  
take such  
property at  
two thirds  
value

Sheriff to  
make deed  
thereof

Proviso

Justices duty  
when prop-  
erty will not  
bring two  
thirds value

Stay of exe-  
cution if  
plaintiff will  
not take prop-  
erty  
On security  
given



If not sale to  
be made

Notice of in-  
quest to be  
given plain-  
tiff

Exceptions  
to inquest

Cause of ex-  
ception

Fee for sum-  
moning an  
inquest and  
to the jurors  
thereof

Bank debts  
subjected to  
the provi-  
sions of this  
act

Officers not  
entitled to its  
benefits

but should the defendant or defendants, neglect or refuse to give security for the stay, as is herein provided, then execution shall issue, and the money be made thereon, as provided in the act to which this is an amendment, and in all cases previous to calling an inquest, by the sheriff or other officer, as is provided in this act, such officer shall give notice thereof to the plaintiff in such execution, or his attorney, and either party may except to three persons summoned on such inquest, without shewing cause, and to as many more as good and sufficient cause therefor can be shewn, and the being plaintiff, or defendant in any judgment recovered in the circuit court, on which execution may be issued, or is in the hands of the sheriff, shall be deemed good cause, provided that the officer executing said writ, shall be allowed fifty cents, for summoning an inquest, as is provided in this law, and each juror comprising such inquest, shall be entitled to receive twenty-five cents, for his services; to be paid as other costs.

SEC. 5. *And be it further enacted*, That all debts and sums of money due, or that may become due, to any bank, or branch thereof, by bond, note, bill, or otherwise, in this state, shall be subject to the provisions of this act, any law, usage or custom, to the contrary notwithstanding; *Provided also*, nothing in this act, shall be so construed, as to extend its provisions to either constables, justices of the peace, sheriffs, coroners, clerks of courts, county treasurers, collectors,

trustees of public seminaries, or lawyers, who have collected, or may hereafter collect any monies by virtue of their respective offices, either for individuals, bodies corporate, or for the state or county; but executions issuing against such officers, for monies collected by them, by virtue of their respective offices aforesaid, shall be governed in all respects by the act to which this is an amendment, any thing in this act to the contrary notwithstanding.

The second, third, and fourth sections of the act to which this is an amendment be, and the same are hereby repealed. Repeal

This act to take effect from and after its passage.

## CHAPTER LVII.

*AN ACT for the relief of William Simms, and Larkin Simms.*

APPROVED, January 22, 1820.

WHEREAS it has been represented to this General Assembly, that William Simms of Franklin county, and Larkin Simms, of Fayette county, did in the year Preamble! 1818, undertake to build a court-house in the town of Brookville, Franklin county; and owing to unavoidable circumstances, they sustained very considerable loss in complying with their said



contract: therefore, as far as practicable to remunerate the said William and Larkin for their loss:

Commission-  
ers of Frank-  
lin to audit  
certain  
claims

And order  
payment

Failure to  
make out  
account

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That the county commissioners of the county of Franklin, are hereby authorized and directed, at the time they meet to transact county business, to audit the claims of the said William Simms, and Larkin Simms, against the county of Franklin, and order the payment of any sum so audited, to which in their opinion the party claiming, may be justly entitled, out of any funds in the county treasury not otherwise appropriated; but should the said William Simms, and Larkin Simms, fail to make out their account, or any part thereof, to the satisfaction of the board of county commissioners, they shall, in that case, pay all costs accruing to the said county of Franklin, by, and in consequence of hearing and examining into the equity of their claims, which shall be collected as other costs.*

## CHAPTER LVIII.

*AN ACT to amend the act entitled "An act concerning proceedings in ejectment, distress for rent, and tenants at will, holding over."*

APPROVED, January 22, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That it shall be lawful hereafter, for any landlord, or landlords, his, her or their agent or attorney, to take out his, her or their distress warrant, agreeably to the provisions of the act to which this is an amendment, before any justice of the peace, in the proper county, for any sum whatever.*

Justices ju-  
risdiction as  
to rent ex-  
tended

## CHAPTER LIX.

*AN ACT to authorize the boundary line of Clark county, to be surveyed.*

APPROVED, January 22, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That Evan Shelby, of the county of Clark, John Depauw, of the county of Washington, and Henry P. Thornton, of the county of Scott, be, and they are hereby appointed commissioners to survey and mark so much of the boundary lines of Clark county, as are not defined by*

Commission-  
ers to survey  
boundary of  
Clark county

Where not  
defined, &c.



Between  
Clark and  
Scott  
When to  
meet

To make a  
plat and cal-  
culate num-  
ber of square  
miles]

Allowance to  
said commis-  
sioners

How to be  
paid

the line of any survey, or surveys, and also the line dividing the counties of Clark and Scott: who shall meet on the first Monday in May next, or any subsequent day said commissioners may appoint, at such place as they may appoint, and make out a plat, and calculate the number of square miles in Clark county, agreeably to the present boundaries described by law.

SEC. 2. The county commissioners of the counties of Clark, Washington, and Scott, shall allow the commissioners aforesaid a reasonable compensation for their services of which the county commissioners of Clark shall pay the one half of the expence out of their treasury, the county of Washington the one fourth, and the county of Scott one fourth, out of their respective treasuries.

## CHAPTER LX.

*AN ACT for the benefit of Samuel Goldsmith.*

APPROVED, January 20, 1820.

County com-  
missioners of  
Spencer to  
make altera-  
tion of court  
house

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana,* That the county commissioners of the county of Spencer, and their successors in office, be, and they are hereby authorised, and empowered to make such alterations or additions in and to the court-house, now building for said coun-

ty, at Rockport, as to them may appear necessary.

SEC. 2. The said commissioners, and their successors in office, shall be, and they are hereby authorized and empowered to give Samuel Goldsmith such other and further compensation for the building of said court-house, as also to give such other and further time for the completion of the same as to them may appear just and reasonable.

## CHAPTER LXI.

*AN ACT to authorize the administrators of Richard M. Heth, deceased, to sell a portion of the estate of said deceased.*

APPROVED, January 21, 1820.

WHEREAS it is made satisfactorily to appear to this General Assembly, that Richard M. Heth, deceased, late of Harrison county, Indiana, died possessed of considerable real estate, together with ten shares of Bank stock, in the State Bank of Indiana, and that he did not leave a sufficiency of personal property to pay the debts against the said estate, and that a sacrifice of said estate will be made to pay said debts, unless the General Assembly will authorize the administrators of said estate to sell and dispose of a part of the real estate and Bank stock, for remedy whereof:

Preamble



Administrators authorized to sell and transfer Bank stock

And to sell and convey real estate

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That Elizabeth Heth, administratrix, Nathaniel Holcroft, and Henry W. Heth, administrators of the estate of Richard M. Heth, deceased, be, and they are hereby authorized and empowered to sell and transfer the ten shares of Bank stock on the books of the State Bank of Indiana, at Vincennes, for the best price they can get therefor, also that they be, and are hereby authorized and empowered to sell and dispose of at private sale, so much of the real estate of the said deceased, as will be necessary to meet the demands against said estate, and to make all necessary conveyances, according to the laws of this state.*

*This act to be in force, from and after its passage.*

### CHAPTER LXII.

*AN ACT for the relief of Abraham Elliott, sheriff of Wayne county, and Joseph Gibson, sheriff of Clark county.*

APPROVED, January 20, 1820.

Preamble

WHEREAS it has been represented to this General Assembly, that the duplicate for state and county taxes for said counties of Wayne and Clark, were not made out and delivered to said sheriffs for the counties aforesaid, for some time after the time prescribed by law, for remedy whereof:

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That the said Abraham Elliott, sheriff of Wayne county, as aforesaid, and the said Joseph Gibson, sheriff of Clark county, as aforesaid, have a further time of three months to collect and pay over the state and county taxes due from the said counties of Wayne and Clark, for the year one thousand eight hundred and nineteen.*

Sheriffs of Wayne and Clark allowed further time to make payments of taxes

### CHAPTER LXIII.

*AN ACT to establish the permanent northern boundary line of Daviess county.*

APPROVED, January 21, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That hereafter the following line shall be the permanent northern boundary of Daviess county, to wit: beginning at the north west corner of township four, north of range four, west of the second principal meridian, thence north with the range line dividing ranges four and five, west to the north east corner of section thirteen, of township five, north of range five west, thence west with the sectional line dividing twelve and thirteen, to the western branch of White river.*

Permanent boundary established

SEC. 2. That all that tract of country which belonged to Davies county prior to the passage of this act, shall be attached

Part of Daviess retained



til new  
county orga-  
nized

ed to the said county, until the same shall be formed and organized in a separate and independent county, and that all rights, privileges, and jurisdictions, shall be and remain the same as if this act had never passed.

#### CHAPTER LXIV.

*AN ACT limiting the action of Ejectment.*

APPROVED, January 22, 1820.

Suits of  
Ejectment  
limited

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That no action of Ejectment shall be commenced or maintained for the recovery of any lands or tenements, against any person or persons who may have been in the quiet and peaceable possession of the same for twenty years, either in his own right, or the right of any other person or persons, and any action of ejectment commenced contrary to the provisions of this act, shall be dismissed at the cost of the party commencing the same, Provided however, that this act shall not be so construed as to affect any person who may be a feme covert, non compos mentis, a minor or any person beyond the seas, within five years after such disability is removed; Provided also, that nothing in this act shall be so construed as to interfere with any action of ejectment that may be brought within five years after the passage of this act.*

Proviso in  
favour of  
femes co-  
vert, &c.

#### CHAPTER LXV.

*AN ACT to revive an act entitled "An act for the relief of such persons as have suffered or may hereafter suffer by the destruction of the records of the county of Knox, which was consumed by fire at Vincennes, in the year one thousand eight hundred and fourteen, approved, September 7, 1814."*

APPROVED, January 22, 1820.

WHEREAS it is represented to this General Assembly, that the relief intended to be given by said act by limiting its operation to five years from its passage, would be inadequate to the purposes for which the same was originally intended; therefore for remedy whereof.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That the act entitled "An act for the relief of such persons as have suffered or may hereafter suffer by the destruction of the records of the county of Knox, which were consumed by fire at Vincennes, in the year one thousand eight hundred and fourteen, approved, 7, September, 1814," be and the same is hereby revived, and the same shall continue in force for the further time of five years, from and after the passage of this act.*

Act for re-  
lief of cer-  
tain pe sons  
revived

Continuance

SEC. 2. *And be it further enacted, That the recorders in the counties of this state, lying in the Vincennes land dis-*

Recorders to  
admit to re-



Ord certain  
deeds

On certain  
conditions

strict, shall admit to record, any deed which was executed with the forms sanctioned by the custom of Paris, when it was in force in the country now included by the said district, while under the French and British governments: *Provided*, the applicant satisfies the said recorders, under oath or affirmation, that the testimony of the contracting parties or the witnesses thereto cannot be had, and the record of the said deed had been destroyed in the conflagration of the records, either at Vincennes, or Kaskaskias.

This act to take effect from and after its passage.

## CHAPTER LXVI.

*AN ACT for the benefit of the heirs of the late William Jones, deceased.*

APPROVED, January 22, 1820.

Preamble

WHEREAS it is represented to the present General Assembly, that the late William Jones, deceased, did in his life time, enter a considerable quantity of lands, with the Register of the United States land-office, for the Vincennes district, having paid thereon, in some instances the first, in some the second, and in some the third instalment; and whereas it is also represented to this Assembly, that the said William Jones, died considerably involved, leaving not a sufficiency of real

and personal estate, to satisfy the demands against him, and clear the lands aforementioned, out of the land-office, by reason whereof the lands entered as aforesaid, will become forfeited to the United States, and the creditors and family of the decedent, greatly damnified thereby, for remedy whereof;

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That* Administrators of William Jones, deceased, shall be, and they are hereby authorized to sell, at public sale, on such credit as they may deem best calculated to benefit the said estate, all or any part of the lands entered by the said decedent, in his life time, with the Register of the land-office in Vincennes, for the best price that can be got for the same, first giving four weeks notice of such intended sale, in some newspaper printed at Vincennes, and on such sale made as aforesaid, they the said Touissant Dubois, and Ambroise Whitlock, administrators as aforesaid, shall immediately thereafter, as such administrators, assign the certificate of the Register of the land-office, to such purchaser or purchasers, in such manner and form as certificates of that description are usually assigned, and according to the rules of the said land-office; which assignment shall be good and available in law as well against the heirs of said decedent as against his credit

Administrators of William Jones authorized to sell certain lands

Notice

To assign certificate of entry



Money how  
applied

ors, any law, usage or custom, to the contrary notwithstanding : and the money arising from such sale, shall be applied by the said Touissant Duboise, and Ambroise Whitlock, towards the discharge of the debts of the said decedent, and the balance, if any, shall be distributed among his legal representatives.

Administrators to file  
bond

Penalty and  
condition

To whom  
given

SEC. 2. *And be it further enacted*, That the said Touissant Dubois, and Ambroise Whitlock, shall, before they proceed to sell the lands as aforesaid, or any part thereof, file a bond with sufficient security, in the clerk's office, of the circuit court for the county of Knox, in the penal sum of five thousand dollars, conditioned faithfully to discharge the trust by this law enjoined on them, which bond shall be given to the Judges of the said court, and their successors in office.

## CHAPTER LXVII.

*AN ACT fixing the time of holding the Circuit Courts, and for other purposes.*

APPROVED, January 21, 1820.

Terms of  
circuit courts

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana*, That the terms of the several circuit courts in the first Judicial circuit of this state, in each and every year hereafter, shall be held at the respective places of hold-

ing circuit courts in the several counties composing the said first circuit at the times hereafter specified. In the county of Knox, on the first Mondays in February, May, and September, and shall set twelve days at each term, if the business requires it. In the county of Sullivan, on the third Mondays in February, May, and September, and shall sit six days at each term, if the business requires it. In the county of Vigo, on the fourth Mondays of February, May, and September, and shall sit six days at each term, if the business requires it. In the county of Owen, on the first Monday in March, the fifth Monday in May, and the first Monday in October, and shall sit two days at each term, if the business requires it. In the county of Monroe, on the Thursdays after the commencement of the court in Owen county, and shall sit three days at each term, if the business requires it. In the county of Lawrence, on the second Monday in March, the first Monday in June, and the second Monday in October, and shall sit two days at each term, if the business requires it. In the county of Martin, on the Fridays after the commencement of the court in Lawrence, and shall sit two days at each term, if the business requires it. In the county of Daviess, on the third Monday in March, the second Monday in June, and the third Monday in October, and shall sit six days at each term if the business requires it; the county of Martin, is hereby attached to and shall form a part of the first Judicial circuit.

Knox county

Sullivan

Vigo

Owen

Monroe

Lawrence

Martin

Daviess

Martin attached to  
first circuit



Scott to 2nd  
circuit

Jefferson

Scott

SEC. 2. The county of Scott, is hereby attached to the second Judicial circuit of this state; and the courts of said circuit, shall be held as heretofore, and the circuit court for the county of Jefferson, shall sit nine juridical days, if the business thereof shall require it. The circuit court for the county of Scott, shall be held on the second Thursdays after the commencement of the courts in the county of Jefferson, and shall sit three days if the business thereof shall so long require it. And the circuit courts for the county of Floyd, shall sit twelve juridical days, if the business thereof shall so long require it.

Third circuit

Jennings

Ripley

Switzerland

Dearborn

Franklin

SEC. 3. That the terms of the several circuit courts in the third circuit of the state of Indiana, in each and every year hereafter, shall be held in the several counties composing the said third circuit, at the times hereafter specified. In the county of Jennings, on the first Mondays in February, May, and September, and shall sit three days at each term, if the business requires it. In the county of Ripley, on the Thursdays succeeding the first Mondays in February, May, and September, and shall sit three days at each term, if the business requires it. In the county of Switzerland, on the second Mondays in February, May, and September, and shall sit six days at each term if the business requires it. In the county of Dearborn, on the third Mondays in February, May, and September, and shall sit twelve days if the business requires it. In the county of Franklin, on the second Mondays succeeding the

third Mondays in February, May, and September, and shall sit twelve days at each term, if the business requires it. In the county of Fayette, on the fourth Monday succeeding the third Mondays in February, May, and September, and shall sit six days at each term, if the business requires it. In the county of Wayne, on the fifth Monday succeeding the third Mondays in February, May, and September, and shall sit six days at each term, if the business requires it. In the county of Randolph, on the sixth Monday succeeding the third Mondays in February, May, and September, and shall sit three days at each term, if the business requires it.

SEC. 4. The circuit courts shall be holden in and for the fourth Judicial circuit, at the times and places following, to wit. In the town of Rome, in Perry county, on the Thursday preceeding the fourth Mondays in February, May, and September, and shall sit three days at each term, if the business shall require it. In the county of Spencer, at the house of Azel W. Dossey, on the Monday after the sitting of the courts in Perry county, and shall sit three days at each term, if the business shall require it. In the county of Warrick, at the court-house in Boonville, on the Thursday after the meeting of the court in Spencer county, and shall sit three days if the business shall require it. In the county of Vanderburgh, at the court-house in Evansville, on the first Monday in March, the fifth Monday in May, and



Posey

Gibson

Pike

Dubois

Dubois at-  
tached to 4th  
circuitSupreme  
court

Process

When  
returnable

the first monday in October, and shall sit six days at each term, if the business shall require it. In the county of Posey, at the court-house in Springfield, on the second monday in March, the first monday in June, and the second monday in October, and shall sit six days if the business shall require it. In the county of Gibson, in the court-house in Princeton, on the third monday in March, the second monday in June, and the third monday in October, and shall sit eight juridical court days if the business shall require it. In the county of Pike, at the court-house in Petersburg, on the Thursdays after adjournment of the courts in Gibson, and shall sit three days if the business may require it. In the county of Dubois, at Portersville, on the mondays after the adjournments of the courts in Pike county, and shall sit three days if the business may require it. The county of Dubois, is hereby attached to, and shall form a part of the fourth Judicial circuit.

SEC. 5. The Supreme Court, shall hereafter sit on the second monday of July, and first monday of November, and all writs, subpoenas or other process, which may have issued from any of the said circuit courts, or the supreme court, since the last setting thereof, or which may hereafter issue, previous to the publication of this act, shall be deemed taken, and are hereby made returnable to the first terms of the said several courts, to be holden by virtue of this act, and all suits, complaints and

actions, or other proceedings, either civil or criminal, which are now pending or hereafter may be pending, prior to the publication of this act, shall be taken up at the first terms thereof, to be holden under this act, and the same proceedings to be had thereon, and in the same manner, as if no alteration had been made in the time of holding said courts.

Actions not  
to be stayed

SEC. 6. *And be it enacted*, That so much of an act entitled "An act to divide the state into four circuits, and to fix the time of holding courts," and so much of an act entitled "An act to amend the act entitled, an act to divide the state into four circuits, and to fix the time of holding courts," as comes within the purview of this act, be, and the same is hereby repealed.

Repeal

This act to take effect and be in force from and after its passage.

## CHAPTER LXVIII.

*AN ACT* authorizing the subscription of a certain number of shares to the Capital stock of the Jeffersonville Ohio Canal Company.

APPROVED, January 22, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana*, That the Governor be, and he is hereby authorized to subscribe for two hundred shares in behalf of this state, to the Governor to subscribe shares to the Jeffersonville



Ohio Canal  
company

capital stock of the Jeffersonville Ohio Canal Company.

Appropriation from the three per cent fund

SEC. 2. That ten thousand dollars be, and the same is hereby appropriated (of the three per cent fund, arising from the nett proceeds of the sales of public lands lying within this state) for the payment of the two hundred shares, aforesaid, as subscribed by the Governor.

Governor authorized to draw for same

To pay it over

Take duplicate receipt

Where to be filed

SEC. 3. *Be it further enacted*, That the Governor, shall draw upon the proper authority, for the above named ten thousand dollars; and pay the same, or any part thereof, as he may deem necessary, to the person authorized by the said Canal company to receive the same; and shall upon the payment thereof, receive duplicate receipts, one of which shall be filed in the office of the Auditor of Public Accounts, and one in the office of the Treasurer of State, which shall be entered respectively on their books.

To appoint person to vote for directors

SEC. 4. That the Governor shall have the power from time to time, to appoint some person to vote at every election for directors of the aforesaid Canal Company, in behalf of the state, for Directors, in the same manner, as is prescribed by the charter of said company.

## CHAPTER LXIX.

*AN ACT for the limitation of criminal prosecutions.*

APPROVED, January 22, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana*, That all actions on penal statutes where the affixed penalty does not exceed three dollars by any statute made, or to be made, whereby the forfeiture is, or shall be limited to the state or county, or for the benefit of seminaries, shall be brought within sixty days next after the offence committed, or to be committed against such penal statute, and not after; and that all actions that shall be brought hereafter, for any forfeiture upon any penal statute, made or to be made, the benefit and suit whereof is, or shall be limited, or given by the said statute to any person who shall prosecute for the same, or to the state or county in which such offence may have been committed, or for the benefit of seminaries, and to any other who shall prosecute in that behalf, shall be brought by any person who may lawfully sue for the same, within one year next after the offence committed, or to be committed against the said statute, and that all actions, which shall at any time hereafter, be brought for any forfeiture, upon any statute made, or to be made, the

Suits for penalties not exceeding three dollars limited

Qui tam suits limited



benefit and suit whereof is, or shall be given or limited to the party aggrieved, shall be brought within the space of two years, next after the offence committed, or cause of action accrued, and not after. And if any action for any offence against any statute shall be brought after the time in that behalf above limited, the same shall be void: *Provided*, that where any action is, or shall be limited by any statute, to be brought within a shorter time than is limited hereby, then the same shall be brought within the time limited by such statute.

Suits for penalties accruing to party aggrieved

Proviso as to special limitation

SEC. 2. All indictments which shall hereafter be exhibited for any crime, or misdemeanor, treason, murder, sodomy, arson, burglary, man stealing, and horse stealing excepted, shall be exhibited within two years next after the offence shall have been committed, and not after; and if exhibited after the time hereby limited, the same shall be void: *Provided however*, that if the person against whom such indictment shall be exhibited, shall not have been an inhabitant, or usually resident within this state during the said two years, then the same shall, or may be exhibited against such person, at any time within two years, during which he shall be an inhabitant, or usually resident within this state, after the offence committed; and *provided also*, that where any indictment for any crime or misdemeanor, is limited by any statute, to be exhibited within a shorter time than is hereby limited,

Indictments with exceptions limited

Proviso as to non-resident offenders

Proviso as to special statutes

then the same shall be exhibited within the time limited by such statute.

## CHAPTER LXX.

*AN ACT to amend the act entitled, "An act to establish and regulate ferries."*

APPROVED, January 18, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana*, That when any person or persons, being the owner or owners, holder or holders, of any land lying on any river or creek, within or bounding on this state, where any public road may cross the same, and where the public convenience may require that a ferry should be kept, shall neglect or refuse to have a public ferry established agreeably to the provisions of the act of Assembly, to which this is an amendment, within a reasonable time, in such case, it shall be lawful for the county commissioners of the county, or the persons authorized to do county business, in which it may be necessary to have such ferry established, after having given three months public notice of their intentions, by advertisement, to grant a license to some person, authorizing him, her or them, to keep a ferry at such place, and on such conditions, as to them may appear reasonable and just, taking bond and security, as prescribed in the act to which this is an amendment, any person or persons hav-

Owners of land bounding on rivers &c.

Neglecting to establish a ferry

County commissioners

Having given notice

May grant licence to some other person to keep ferry

Bond



Such person  
authorized to  
keep such  
ferry

Ground to be  
occupied

Subjected to  
certain regu-  
lations

Right reser-  
ved to owner  
of land

Owner of  
land to give  
bond

ing obtained a licence from the board of commissioners, or the persons authorized to do county business, as aforesaid, under the provisions of this act, shall be, and they are hereby authorized and empowered to keep a ferry across any river or creek, where the owner or owners may have neglected or refused to establish a ferry, after having been notified as aforesaid, and also to occupy as much ground as may be necessary to receive and discharge passengers, not exceeding one hundred rods, on each side of the creek or river, as the ferryman may deem sufficient and necessary: *Provided*, the person or persons having obtained a licence as aforesaid, shall be subject to the same rules, regulations and restrictions, that ferry keepers are in the act to which this is an amendment, and *provided also*, that the owner or owners of the land where such ferry may have been established, may demand and take possession of any such ferry, on his, or her tendering to the holder of such ferry, the full value of all the boats, and other crafts which may have been necessarily employed for the transportation of passengers, together with all other expences which may have accrued in digging the banks, or otherwise improving the ferry, and also ten per centum thereon.

SEC. 2. Previous to any person who may be the owner of the land where any ferry shall have been established, agreeably to the provisions contained in the first section of this act, taking possession of such ferry, he, she or they shall

give bond with sufficient security, conditioned as prescribed in the eighth section of the act, to which this is an amendment, which bond shall be a complete release from the obligations contained in the bond previously given by the holder of such ferry.

SEC. 3. Hereafter the tax on ferries Tax shall be assessed and collected as other county taxes.

## CHAPTER LXXI.

*AN ACT to provide for the taking the enumeration of the white male inhabitants above the age of twenty-one years, in this state.*

APPROVED, January 22, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana*, That County commissioners to appoint Censor  
it shall be the duty of the boards of county commissioners of the several counties within this state, at their May term, to appoint some suitable person in their respective counties, to take the enumeration of the white male inhabitants, above the age of twenty-one years, in their respective counties, agreeably to the second section of the third article of the constitution. Total number of white males above 21 years

SEC. 2. Every person so appointed, in the several counties in this state, to take the enumeration, shall previously to entering upon the duties of his appointment, take an oath or affirmation, (as

Censor to  
take oath



the case may be) to faithfully discharge the duties enjoined by this act, before some person legally authorized to administer oaths.

**SEC. 3.** The boards of commissioners in the several counties, shall direct their respective clerks, and it is hereby made their duty (after the appointment of such person to take the enumeration shall be made, and the person so appointed, shall have accepted of said appointment) to take bond of such person so appointed, with one or more good freehold security or securities, in the penalty of five hundred dollars, in the name of the Governor, and his successors in office, for the use of the county, conditioned that he will well and faithfully discharge the duties enjoined on him, by the first section of this act, for the county of \_\_\_\_\_, according to law; which bond shall be attested by the clerk, and filed by him in his office.

**SEC. 4.** It shall be the duty of the persons so appointed, to take the enumeration in the several counties, to commence on or before the second Monday in August next, and complete his enumeration, on or before the fourth Monday in October next, and make out a fair list of the names of the persons so enumerated, and deposit it in the clerk's office of their respective counties; and it shall be the duty of the clerks of the several counties, to transmit said lists to the office of the secretary of state, on or before the third Monday in November next, or send said lists by the represen-

Clerk to take  
bond of Cen-  
sor

Penalty

Condition

When cen-  
sor to com-  
mence and  
complete

Clerks to  
transmit lists  
to secretary  
of state

atives of their respective counties, to the seat of government, at the next session of the General Assembly, subject to their call, under the penalty of one hundred dollars, recoverable before any court having competent jurisdiction.

**SEC. 5.** Every person so appointed, and accepting of said appointment, who shall afterwards refuse or neglect to perform the duties required by this act, shall be subject to the penalties prescribed in the third section; and the commissioners on being informed of the neglect or refusal of the person so appointed, to comply with the requisitions of this act, then said commissioners shall proceed to nominate some other person to perform the duties herein required.

**SEC. 6.** The persons so appointed and performing the duties required by this act, shall receive for their services, not exceeding two dollars for every hundred persons, at the discretion of the boards of commissioners of the proper county, to be paid out of any monies in the treasury, not otherwise appropriated, and the clerks of the proper counties, shall certify the allowance made by the commissioners, to the several persons so taking the enumeration, to the auditor of public accounts, who shall issue his warrant on the treasury for the same.

This act to take effect and be in force from and after its publication.

Penalty for  
neglect

Censor ac-  
cepting ap-  
pointment &  
neglecting  
duty  
subjected to  
certain pen-  
alties

And com-  
missioners to  
nominate  
another

Censors  
compensa-  
tion

Clerks to  
certify allow-  
ance

Auditor to  
issue his  
warrant



## CHAPTER LXXII.

*AN ACT for the relief of Insolvent Debtors.*

APPROVED, January 20, 1820.

*Insolvent debtors may petition Circuit courts*

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana,* That any person who is insolvent, and unable to pay his just debts, may by petition in writing, to the circuit court in and for the county in which said person resides obtain relief, in manner as hereafter prescribed.

*Schedule of debts, &c. to be exhibited*

SEC. 2. That before any insolvent person shall be entitled to the benefit of this act, such person on his application as aforesaid, in a schedule for that purpose made, shall exhibit to the court an accurate statement of all debts by him owing, and of all debts and demands to him due or accruing, and of all property of every kind and description, by him owned, possessed or claimed.

*Notice to be given of the pendency of the petition*

SEC. 3. That the court to whom application as aforesaid, shall be made, shall cause such notice of the pendency of such petition, to be given in one or more of the public papers printed in this state, giving at least sixty days notice of the time and place of the courts acting upon such petition, which notice shall be published at least three weeks successively. The court on the final hearing of such petition, shall cause the applicant on oath or affirmation, to at-

*Applicant to attest to his petition, &c.*

test to the truth of his petition preferred, and to the schedule exhibited, and that he will without fraud, or deceit, deliver up and convey to such persons as the court may appoint, in trust, and for the use of his creditors, all his estate, both real and personal, and that he never has, directly or indirectly, in any way or manner, disposed of any of his property, with a view thereby to injure or defraud any of his creditors; and the court may cause such applicant, on oath or affirmation, to answer such questions as may be put to him, relating to his property.

*Court to appoint trustees for certain purposes*

SEC. 4. That on the final hearing and determination of the court, on the petition of any insolvent debtor, it is hereby made the duty of the court to appoint one or more trustees, for the purpose of accepting and receiving, a conveyance or assignment from each insolvent petitioner, of all the lands, tenements, hereditaments, goods, chattles, rights, credits and effects, (excepting such effects as may be exempted from execution by law) as the said petitioner may possess; and before the trustees appointed as aforesaid, proceed to act under the authority of their appointment, they shall give bond to the county treasurer, with sufficient sureties, to the acceptance of the court, in double the amount of the property to them transferred, by such insolvent petitioner, conditioned for the faithful performance of their trust.

*Trustees to give bond*

SEC. 5. That the said trustee or trustees, are hereby empowered to deter-



Powers of  
trustees

Petitioner's  
right of set  
off

Trustees  
may institute  
suits

Suit institut-  
ed by insol-  
vent not to  
abate

Trustees to  
make divi-  
dend

Retainer for  
their expen-  
ces

mine and adjust all controversies which arise in the settlement of such insolvent petitioner's affairs, either by suit at law or by arbitration, and such insolvent petitioners, in all cases, shall be entitled to a set off of all demands against any and every creditor, having claim against him; and the trustees may institute any suit or suits, for the recovery of any and all debts, dues and demands, which may have been transferred or conveyed to them as aforesaid, in trust for the use of the creditors, and no suit instituted by such insolvent petitioner, and which is pending at the time of his assignment, shall abate thereby, but shall be continued in his name, and if recovery shall be had, the avails thereof shall be assets in the hands of the trustees for the payment of the debts of the insolvent petitioner.

SEC. 6. That the trustees aforesaid, after having collected all the debts, dues and demands to them assigned in trust, as aforesaid, and after having converted all other property to them assigned in trust, as aforesaid, into money, shall proceed without delay, to make an equal dividend of the same, agreeably to the provisions hereinafter specified, among the creditors who shall have exhibited their claims, in proportion to the amount of their just demands respectively: *Provided*, that the trustees, may retain for their services and expences such compensation as the court shall adjudge reasonable.

SEC. 7. That the trustees, immediately after executing their bonds, as afore-

said, shall give notice by advertisements posted in three of the most public places in the county, of the time and place they will meet, for the purpose of receiving and determining all claims against the petitioner; at which time and place the dividend aforesaid shall be made: *Provided always*, that six months notice, at least shall be given of the time, place and purpose of said meeting, by the trustees, and if any creditor shall fail to exhibit his claim, at or within the time specified in said notice, he shall be entitled to no share in the distribution; and the said trustees shall make distribution of so much of such property, as they may have been able to convert into money, every six months, and so on from time to time, until the whole of such estate is distributed, except what is heretofore excepted: *And be it further provided*, that when any creditor conceives himself aggrieved, by any decision or act of the trustees, he may at any time within five days after such decision of the said trustees, take an appeal therefrom, to the next circuit court for the county, which is hereby empowered to make up a final decision upon the subject matter contained in such appeal.

SEC. 8. That if the insolvent petitioner, shall have directly or indirectly, sold, lessened, concealed, kept back or otherwise disposed, of any of his lands, tenements, rights, credits, monies or effects whatsoever, thereby to defraud any of his creditors; such petitioner, on proof of the same to the court, made at any

Notice to be  
given

Creditor fail-  
ing to exhib-  
it claim

Distribution  
how to be  
made

Creditor ag-  
grieved by  
decision of  
trustees may  
appeal

Petitioner  
guilty of  
fraud



Punishment

time within three years, on motion for that purpose, by any injured creditor, shall be, on conviction thereof, deemed guilty of perjury and punished accordingly.

Insolvent  
person pri-  
vileged from  
arrest

SEC. 9. That after any person shall have assigned all his property as aforesaid, in trust for the use and benefit of his creditors, his person shall forever after be privileged from imprisonment, for any debt due and owing by him at the time of filing his petition, as aforesaid; but any property he may afterwards acquire, shall always be liable for the payment of such debts.

Property  
liable

Insolvent in  
prison at  
time of pe-  
tition

SEC. 10. That should any insolvent petitioner be imprisoned either on mesne process, or *capias ad satisfaciendum*, at the time of filing his petition as aforesaid, it shall be the duty of the clerk of the circuit court to which application is made, to issue an order to the sheriff of the county, to discharge the applicant from his imprisonment, on his giving satisfactory bonds to the party at whose suit he is imprisoned, to the acceptance of the clerk of the circuit court, if in vacation, or to the acceptance of the court, if in term time, conditioned for the faithful assignment of all his property for the benefit of his creditors.

To be dis-  
charged  
On giving  
bond

For the as-  
signment of  
his property

SEC. 11. That if any sheriff or other officer, shall be prosecuted for the escape of any person liberated under this act, such sheriff or other officer, may, under the plea of the general issue, give this act and the special matter in evidence.

Sheriff pro-  
secuted for  
an escape  
may plead  
the general  
issue

SEC. 12. That when any person who is imprisoned for debt, either on mesne process, or *capias ad satisfaciendum*, shall be unable to support himself in prison, and having made oath to that effect before any justice of the peace for the county, the plaintiff in either case, shall stand chargeable for his support, and in case the plaintiff shall refuse or be unable to support the debtor in prison, such debtor shall be immediately set at liberty.

Persons im-  
prisoned for  
deb. and un-  
able to sup-  
port them-  
selves

Plaintiff  
chargeable  
with their  
maintenance  
or debtor to  
be discharg-  
ed

SEC. 13. That the act entitled, "An act for the relief of insolvent debtors," approved, January 29th 1818, except as is hereinafter provided, be, and the same is hereby repealed: *Provided*, that all persons charged in execution, on any judgment obtained before any justice of the peace of this state, may be discharged in the same manner as is prescribed by the "Act for the relief of insolvent debtors," approved, January 29th 1818, any thing herein contained to the contrary notwithstanding.

Repeal

Proviso

SEC. 14. That if any person shall take the benefit of the act for the relief of insolvent debtors, and shall be legally discharged from prison, either in this state, or any of the United States, such person shall not again be imprisoned for the same debt, or any debt contracted previous to such discharge.

Person once  
discharged  
not liable to  
another im-  
prisonment

This act to take effect and be in force from and after its publication.



## CHAPTER LXXIII.

*AN ACT amendatory to an act entitled,  
"An act for assessing and collecting the  
revenue, approved January the twenty-  
eighth, one thousand eight hundred and  
eighteen.*

APPROVED, January 21, 1820.

Tax levied	SEC. 1. <i>BE it enacted by the General Assembly of the State of Indiana, That there shall be levied a tax for state purposes, on the following objects of taxation, and after the following rates, to wit: for every hundred acres of first rate land subject to taxation, the sum of one dollar; on every hundred acres of second rate land, the sum of eighty-seven and a half cents; on every hundred acres of third rate land, the sum of sixty-two and a half cents, and in that proportion for a greater or less quantity: and on all bank stock actually paid in, at the rate of twenty-five cents for every hundred dollars, to be listed of the respective cashiers, and collected of the corporation.</i>
First rate land	
Second rate	
Third rate	
Bank stock	

Taxes for county purposes	SEC. 2. <i>The following rates of taxes shall be annually paid for county purposes, to wit: for every horse, mare, gelding, mule or ass, over three years old, not exceeding thirty-seven and a half cents; for covering horses, once the rate at which they stand the season; every tavern not less than ten, nor more than twenty-five dollars; for every ferry not less than five, nor more than twenty</i>
Horses	
Taverns	
Ferries	

dollars; town lots in proportion to their value, (exclusive of the improvements thereon) not exceeding fifty cents on every hundred dollars, which valuation shall be made by the lister, and two disinterested householders, to be by him appointed for that purpose; there shall also be paid a tax of fifty cents to the clerks of the several circuit courts at the issuing of each writ of <i>capias ad respondendum</i> ; there shall also be paid a tax of fifty cents on each certificate of magistracy with the county seal attached thereto, which shall by the clerk be paid over to the county treasurer, on or before the first Monday in November, annually, and if any clerk shall neglect or refuse to pay over the monies so received as aforesaid, the amount thereof shall be recovered of him by the county treasurer, on motion in the circuit court of the proper county, as in other cases; there shall also be paid a tax upon each and every pleasure carriage, of two wheels of one dollar, and on each pleasure carriage of four wheels one dollar and twenty-five cents; and twenty-five cents on each silver watch, and fifty cents on each gold watch: <i>Provided however, that there shall be no tax required to be paid on certificates and seals, to and for the benefit of pensioners of the United States.</i>	Town lots
	Law process
	Certificates
	Clerk may be prosecuted
	Pleasure carriages
	Watches
	Reservation

SEC. 3. *So much of the eleventh and twelfth sections of the act to which this is an amendment, as requires the clerks of the boards of county commissioners in each county, to make out copies of the lists of taxes for state purposes, for*

Repeal



the Auditor of public accounts, and for the use of the office of such clerk, and also copies of the lists of taxes for county purposes for the use of the county treasurer, and for the use of the office of said clerk, be, and the same is hereby repealed: *Provided however*, that the clerks of the board of county commissioners in each county respectively, shall carefully preserve on file in his office, the original list furnished by the lister, and shall moreover transmit to the Auditor of Public Accounts, on or before the second Monday in December annually, a certified statement of the amount of acres of first rate, second rate, and third rate land, separately, and the said clerks shall also certify in like manner to the county treasurer, the amount of money with which the sheriff stands charged for county purposes, which certificate shall be furnished said treasurer within thirty days after the said list shall be rendered to the sheriff, and for failure in either of the foregoing cases, the clerk shall be liable to the penalties prescribed in the eleventh section of the act, to which this is an amendment, on motion before the circuit court of the proper county, by the Auditor of Public Accounts, or county treasury, as the case may be.

SEC. 4. The ninth section of the act, to which this is an amendment, together with so much of said act as comes within the purview of this act, be, and the same is hereby repealed.

This act to take effect and be in force

For  
Clerks to  
keep on file  
the original  
tax list

And transmit  
a statement  
of the a-  
mount to au-  
ditor

To certify to  
county trea-  
surer the  
amount of  
charges  
against  
sheriff

Clerk liable  
to penalty  
for neglect

Repeal

from and after the first day of March next.

## CHAPTER LXXIV.

*AN ACT to render the proceedings upon writs of mandamus and informations, in the nature of quo warranto, more speedy and effectual.*

APPROVED, January 21, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That* Mandamus if any mandamus shall issue out of any circuit court in this state, directed and delivered to any person or persons who by the laws of this state are required to make a return to such writ of mandamus, such person or persons shall make his or their return to the first writ of mandamus. Return thereto

SEC. 2. Whenever a writ of mandamus shall issue out of any circuit court within this state, and return shall be made thereunto, it shall and may be lawful to, and for the person or persons suing or prosecuting such writ of mandamus, to plead to or traverse all or any of the material facts contained within the said return, to which the person or persons making such return shall reply, take issue or demur, and such further proceedings in such manner shall be had therein for the determination thereof, as might have been had if the person or persons suing such

Return may  
be traversed

Replication  
and proceed-  
ings



Issue & trial writ had brought his, her or their action for a false return, and if any issue shall be joined on such proceedings, the person or persons suing such writ shall and may try the same in such place as an action on the case might have been tried, and in case a verdict shall be found for the person or persons suing such writ, or judgment given for him, her or them, upon a demurer, or by nil dicit, or for want of a replication or other pleading, he, she or they shall recover his, her or their damages and costs in such manner, as he, she or they might have done in such action on the case as aforesaid, and such damages and costs shall be levied by execution as in other cases, and a peremptory mandamus shall be granted without delay for him, her or them, for whom judgment shall be given as if such return had been adjudged insufficient, and in case judgment shall be given for the person or persons making such return to such writ, he or they shall recover his or their costs of suit, as in other cases: *Provided*, that damages recovered by virtue of this act, shall be a bar to any other action or suit for making such return.

Verdict

Judgment

Execution

Peremptory mandamus

Judgment in favor of person making return

Proviso

SEC. 3. In case any person or persons shall usurp, intrude into, or unlawfully hold and execute any office within this state, it shall and may be lawful to and for the prosecuting attorney of any circuit court within this state, to exhibit one or more information or informations in nature of a quo warranto, at the relation of any person desiring to pro-

Usurpers or intruders in to office

Prosecuting attorney file informations

Relator

secute the same, who shall be mentioned in such information or informations to be the relator, against such person or persons so usurping, intruding into, or unlawfully holding and executing any such office, or franchise and to proceed therein in such manner as is usual in cases of informations in the nature of a quo warranto, and if it shall appear to the said court, that the several rights of divers persons to the same office, or franchise may be determined, on one information, it shall and may be lawful for the said court to give leave to exhibit one such information against several persons, in order to try their respective rights to such office or franchise, and such person or persons against whom such information or informations in the nature of a quo warranto shall be sued or prosecuted, shall appear and plead at the same time at which the said information or informations shall be filed unless the said court shall give further time when necessary, to plead, and such person or persons who shall sue, or prosecute such information or informations in the nature of a quo warranto, shall proceed thereupon with the most convenient speed that may be.

Proceeding thereon

Several claims may be tried

When person informed against to appear

Time to plead

SEC. 4. In case any person or persons against whom any information or informations in the nature of a quo warranto, shall in any of the said cases, be exhibited in the said court, shall be found or adjudged guilty of an usurpation or intrusion into, or unlawfully holding and executing any of the said offices or fran-

Persons found guilty



To be removed and fined

chises, it shall and may be lawful to, and for the said court, as well to give judgment of ouster against such person or persons, of and from any of the said offices or franchises, as to fine such person or persons respectively, for his or their usurping, intruding into or unlawfully holding and executing any such office or franchise; and also, to give judgment that the relator in such information named, shall recover his or their costs of such prosecution, and if judgment shall be given to the defendant or defendants, in such information or informations, he or they, for whom such judgment shall be given, shall recover his or their costs therein expended, against such relator or relators.

To pay costs

Defendant acquitted to recover costs

Indulgencies to be granted

SEC. 5. Convenient time shall be allowed in all cases to make a return, plead, reply, rejoin or demur as to the said court shall seem just and reasonable, any thing herein contained to the contrary notwithstanding.

## CHAPTER LXXV.

### *AN ACT making specific appropriations.*

APPROVED, January 22, 1820.

Allowance to auditor, treasury and secretary of state

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That the Auditor of Public Accounts, and Treasurer and Secretary of State, each be allowed the sum of forty dollars for office rent, for the year eighteen hun-*

Stationary &c.

dred and twenty; that William P. Thomasson, be allowed the sum of one hundred and twenty-eight dollars, for stationary furnished the present General Assembly, to be paid out of the general appropriation fund of the legislative department, for the year eighteen hundred and twenty; Joseph Kinkaid, the sum of six dollars, for furnishing the Senate with a table at the present session; that Reuben Little, be allowed the sum of forty-two dollars, for fuel furnished the present General Assembly, to be paid out of the aforesaid fund; that Andrew B. Holland, and Henry Batman, each be allowed the sum of two dollars per day, for their services, as door-keepers to the present General Assembly, that each clerk of the Senate and House of Representatives, be allowed the sum of four dollars per day for their services at the present General Assembly; that Francis N. Moore, be allowed the sum of four dollars per day for his services as sergeant at arms, to the Senate; that Andrew B. Holland, be allowed the sum of seventy-five cents for candles, &c. furnished for the use of this present General Assembly; that George Wilson, be allowed the sum of fifteen dollars, for his services as assistant enrolling clerk, to the house of representatives of the present General Assembly; that Henry P. Coburn, and Robert A. New, be allowed the sum of twenty-five dollars each, for making errata to the laws of eighteen hundred and eighteen; that John Tipton, be allowed the sum of three dollars per day,

door keepers

Clerks

Sergeant at arms

Assistant clk.

Errata to laws 1818

Sheriff supreme court



For making  
demand on  
Governor of  
Kentucky

Sundries

Allowance to  
witnesses at-  
tending  
impeach-  
ment

Salt licks

for nine days attendance on the Supreme court, at the July term of eighteen hundred and nineteen, and twelve days attendance at the November term, of eighteen hundred and nineteen, also ten dollars and fifty cents, for fuel furnished at said terms; that John Tipton, be allowed the sum of forty dollars for making demand from the Executive of Kentucky, of certain fugitives from the justice of this state; that Julius Woodford & Co. be allowed the sum of four dollars and fifty cents, for sundries furnished for the use of this present General Assembly; that Joseph Merrill, be allowed the sum of ten dollars and eighty seven and a half cents, for sundries furnished for the use of this present General Assembly; that Armstrong Brandon, be allowed the sum of four dollars for stationary furnished for same: that the sum of ten dollars be allowed to Reuben W. Nelson, Jeremiah Rowland, James R. Higgins, John M'Brown, and John Wolfington, each respectively, and to Davis Floyd, the sum of six dollars, for their attendance as witnesses on the trial of Basil Prather, clerk of the Washington Circuit Court, on impeachment.

SEC. 2. The sum of one hundred and fifty dollars, is hereby appropriated for the payments of the allowances made by the Governor to the agent of the salt licks in this state, to be audited by the Auditor of Public Accounts, on the order of the Governor, certifying their allowances by him made to them respectively, and all sums received at the

treasury, from those agents, are hereby made a part of the state revenue and appropriated accordingly.

SEC. 3. The Auditor of Public Accounts shall audit the above sums, and Auditors due the Treasurer of State, shall pay the same, except the sums appropriated for office rent, out of any money appropriated for the expences of the legislative department for the year eighteen hundred and twenty.

SEC. 4. The Treasurer of State, shall pay the above sum of one hundred and twenty dollars, appropriated for office rent, out of any money in the treasury not otherwise appropriated.

This act to be in force from and after its passage.

## JOINT RESOLUTIONS.

*A Joint Resolution of the general assembly of the state of Indiana.*

APPROVED, January 22, 1820.

*Resolved by the General Assembly of the State of Indiana,*  
That the several sheriffs and other collectors of public monies, either for state or county purposes within this state, be authorized to receive and pay over to the state or county treasurers, as the case may be, all sums with which they may now or shall hereafter stand charged respectively, in the notes of the banks of the United States or its branches, or in the notes of the chartered banks of this state or their branches, or any of the state banks and branches of other states, that pass at par within this state, at the time the same is received by the sheriff or other officer, collecting the same. That the state or county treasurer, as the case may be, is hereby authorized



and directed to receive the same and receipt therefor to the proper officer or officers, paying the same into the treasury: *Provided however*, That nothing in this resolution shall be so construed as to make it the duty of any of the above named officers, to receive post notes, or such as are payable after date: *And be it further resolved*, That the Joint Resolution of the last General Assembly, approved December sixteenth one thousand eight hundred and eighteen, authorizing the reception of bank notes for debts due the state, and for other "purposes," be, and the same is hereby repealed. *Provided* that nothing in this resolution, shall be so construed as to affect any county agent in this state, who may have received any bank paper under the provisions of a resolution for the reception of certain bank notes therein named, approved December the sixteenth one thousand eight hundred and eighteen; provided such agent shall swear or affirm, that he had received such paper for the county previous to the publication of this resolution.

This resolution to take effect and be in force from and after its passage.

A Joint Resolution of both houses of the General Assembly of the state of Indiana.

APPROVED, January 22, 1820.

*Resolved by the general assembly of the state of Indiana*, That Jesse Emmerson be, and he is hereby appointed a superintendant for the Seminary Township in Gibson County, and he is hereby vested with full power and authority to rent for a term of time, not more than two years at a time, all the improved lands in said Township, which are now under the controul of the state of Indiana, as well as to collect all arrears for rent that may be due said state; and it shall be the duty of said superintendant, to send a certified statement of his proceedings therein to the speaker of the house of representatives, in each and every year; and it shall be the duty of said superintendant, to see that no waste is committed on said land, for which purpose he is hereby authorized to prosecute and punish any person trespassing thereon, agreeably to the provisions of an act entitled "An act to prevent waste on lands reserved for the use of schools and salt springs, ap-

proved January 29, 1812." And said superintendant shall be allowed such compensation for his trouble, as the General Assembly from time to time shall direct, to be paid out of the State Treasury.

A Joint Resolution of the General Assembly of the State of Indiana, authorizing the Governor to draw a part of the three per cent fund.

APPROVED, January 22, 1820.

*Resolved by the General Assembly of the state of Indiana*, That the Governor of this state be, and he is hereby authorized to draw from the government of the United States, any portion of the three per cent fund, not exceeding ten thousand dollars, as he may deem necessary to carry into effect the provisions of an act, passed at the present session of the General Assembly, authorizing him to subscribe for two hundred shares of the stock in the Jeffersonville Ohio Canal Company.

A Joint Resolution of the General Assembly of the state of Indiana.

APPROVED, January 11, 1820.

**WHEREAS** the American Antiquarian Society is desirous of collecting and preserving in one place, for the benefit of future ages, copies of all the public records of our common country, and also of each of the United States; and whereas the Congress of the United States and several of our sister States, have in aid and encouragement of said Society, granted it copies of the statutes and public journals of their respective governments at public expence, and it having been made known to this Legislature, that said Society is desirous to receive the same benefit from the State of Indiana; therefore, in furtherance of the laudable views of said Society and of the generous intentions of Congress and several of our sister states:

*Resolved by the General Assembly of the State of Indiana*, That the Secretary of State be, and he hereby is authorized to furnish at public expence to said Society, or their authorized agent, a copy of the Constitution and Laws of the state of Indiana since the commencement of the state government,



and likewise a copy of the journals of both branches of the Legislature, together with the acts of the General Assembly, from time to time, as soon as convenient after their publication: *Provided* in all cases, that a sufficient number be reserved for the use of the government, and that the Secretary communicate to said Society a copy of this resolution.

A Joint Resolution of the General Assembly of the State of Indiana, authorizing the Treasurer to receipt for certain monies therein named.

APPROVED, January 22, 1820.

*Resolved by the General Assembly of the state of Indiana, That the Treasurer of state is hereby authorized and directed, to receipt for any money he may have received in special deposit of any sheriff for taxes due the state, for the years one thousand eight hundred and eighteen, and one thousand eight hundred and nineteen, except the sum of sixty four dollars now in the Treasury, of the paper of the Farmers and Mechanics bank of Cincinnati, and eleven dollars of the paper of the Farmers, Mechanics and Manufacturers bank of Chillicothe.*

A Joint Resolution authorizing the Secretary of State to subscribe for certain Reports of cases at law and in chancery, therein named.

APPROVED, January 22, 1820.

*Resolved by the General Assembly of the State of Indiana, That the Secretary of State be, and he is hereby authorized and required, for and on behalf of the State of Indiana, to subscribe for twelve copies of Reports of cases at law and in chancery, in the Supreme Court of Indiana, together with cases determined in the late general Court of the Territory of Indiana, about to be published by Henry P. Coburn and Reuben W. Nelson, and to deposit the same in the office of the Secretary of State when received, for the use of the executive, legislative, and judiciary departments of the government.*

SEC. 2. The Secretary of State shall require the same to be delivered at his office in good binding, and at the delivery

thereof, it shall be the duty of the Auditor, to audit the amount of said subscription, and of the Treasurer of State, to pay the same out of any monies in the Treasury not otherwise appropriated.

A Joint Resolution of the General Assembly of the State of Indiana, providing for the safe keeping of the stationary of the General Assembly.

APPROVED, January 22, 1820.

*Resolved by the General Assembly of the State of Indiana, That the doorkeeper of the house of representatives be directed to deliver to the Secretary of State, all the furniture and stationary belonging to the house of representatives; and that the doorkeeper of the senate be directed to deliver to the Secretary of State, all the furniture and stationary belonging to the senate: And it shall be the duty of the Secretary of State to take care of the same, who shall be allowed such compensation therefor, as the next General Assembly may deem reasonable.*

A Joint Resolution of the General Assembly of the State of Indiana.

APPROVED, December 22, 1819.

*Resolved by the General Assembly of the State of Indiana, That the Auditor of Public Accounts draw his several warrants on the State Treasurer, in favor of Messrs. Brandon & M'Cullough and Messrs. Cox & Nelson, for two hundred dollars each; the same being in advance on their several contracts with the General Assembly to execute the Public Printing of the present session; and that the Treasurer be, and he is hereby authorized to pay the said sums of money out of any monies in the Treasury not otherwise appropriated.*



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